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BILLS,

PUBLIC:

FOUR VOLUMES.

—(2.)—

DEFENCE ACT AMENDMENT

TO

LUNACY (SCOTLAND).

Session

4 *February* —— 29 *July* 1864.

VOL. II.

1864.

BILLS:

1864.

FOUR VOLUMES:—CONTENTS OF THE

SECOND VOLUME.

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A

BILL

INTITULED

An Act to amend The Defence Act, 1842.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Effect of past Orders in Council under 5 & 6 Vict. c. 94. s. 5.

1. Where, under Section Five of The Defence Act, 1842, any Order in Council has been made before the passing of this Act transferring to any Body or Persons, for any Public Service, the Management, Control, and Use of any Land, the Land in the Order comprised, with the Appurtenances, shall, from the passing of this Act, be vested in the Body or Persons in the Order described for an absolute Estate in Fee Simple, in trust for Her Majesty, Her Heirs and Successors, for the Public Service in the Order mentioned.

Effect of future Orders in Council.

2. Where, under the said Section, any Order in Council is made after the passing of this Act, whereby any Hereditaments are expressed to be transferred to any Body or Persons for any Public Service, the Hereditaments in the Order comprised shall by virtue of the Order and of this Act be vested, to all Intents, at Law and in Equity, in the Body or Persons to whom the

Transfer is expressed to be made, for the Estate or Interest for which the same are in the Order expressed to be transferred, to be held by the Body or Persons aforesaid in trust for Her Majesty, Her Heirs and Successors, for the Public Service in the Order mentioned.

Saving for Rights of all Persons.

3. Nothing in this Act shall affect any Estate, Interest, Right, or Claim in or to any Land or Hereditaments comprised in any such Order, made or to be made, other than such Estate, Interest, Right, or Claim as at the Time of the making of the Order was or is had therein or thereto by or in trust for Her Majesty, Her Heirs and Successors.

Vesting, &c. of Land in case of Transfer to Admiralty.

4. Any Land or Hereditaments vested under this Act in the Lord High Admiral of the United Kingdom, or the Commissioners for executing his Office, shall so vest and shall be held and used subject and according to the Provisions of The Admiralty Lands and Works Act, 1864, as if the same had been purchased or taken by Agreement under that Act.

Short Title.

5. This Act may be cited as "The Defence Act Amendment Act, 1864."

Defence Act Amendment.

A

B I L L

INTITULED

An Act to amend The Defence Act, 1842.

(*Brought from the Lords* 15*th July* 1864.)

Ordered, by The House of Commons, *to be Printed,*
18 *July* 1864.

[Bill 223.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to amend the Act relating to Divorce and Matrimonial Causes in England, Twentieth and Twenty-first Victoria, Chapter Eighty-five.

Preamble.

WHEREAS it is expedient to amend an Act passed in the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Eighty-five: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Amending Provisions of 20 & 21 Vict. c. 85. as to Orders of Protection of Property of Wife deserted by her Husband.

1. Where under the Provisions of Section Twenty-one of the said Act a Wife deserted by her Husband shall have obtained or shall hereafter obtain an Order protecting her Earnings and Property from a Police Magistrate, or Justices in Petty Sessions, or the Court for Divorce and Matrimonial Causes, as the Case may be, the Husband and any Creditor or other Person claiming under him may apply to the Court or to the Magistrate or Justices by whom such Order was made for the Discharge thereof as by the said Act authorized; and in case the said Order shall have been made by a Police Magistrate and the said Magistrate shall have died or been removed, or have become incapable of acting, then in every such Case the Husband or Creditor, or such other Person as aforesaid, may apply to the Magistrate for the Time being acting as the Successor or in the Place of the Magistrate who made the Order of Protection, for the Discharge of it, who shall have Authority to make an Order discharging the same; and an Order for Discharge of an Order for Protection may be applied for to and be granted by the Court, although the Order for Protection was not made by the Court, and an Order for Protection made at One Petty Sessions may be discharged by the Justices of any later Petty Sessions, or by the Court.

Divorce and Matrimonial Causes (Amendment).

A

B I L L

INTITULED

An Act to amend the Act relating to Divorce and Matrimonial Causes in England, Twentieth and Twenty-first Victoria, Chapter Eighty-five.

(*Brought from the Lords 7th June* 1864.)

Ordered, by The House of Commons, *to be Printed,*
17 *June* 1864.

[Bill 162.]

Under 1 *oz.*

A

BILL

TO

Explain certain Provisions contained in the Drainage and Improvement of Lands (Ireland) Act, 1863.

WHEREAS an Act was passed in the Session held in the Twenty-sixth and Twenty-seventh Years of Her Majesty Queen Victoria, being "The Drainage and Improvement of Lands Act (Ireland), 1863:" And whereas Doubts may arise as to the Priorities in which, under and by virtue of the Forty-ninth Section of the said Act, the Monies, Rentcharges, and Instalments therein mentioned shall or may be respectively chargeable upon Lands other than those actually drained or improved, though being Portion of the same Townland or Denomination as the Lands so drained or improved; and it is expedient that any such Doubts should be removed: Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.
26 & 27 Vict. c. 88.

1. In all Cases where any such Monies, Rentcharges, or Instalments as aforesaid shall, by virtue of the said Act, become charged upon any Townland or Denomination, or any Portion or Portions of

Monies, &c. chargeable upon undrained

Townland, &c. as upon drained Lands.

of the same, in addition to and together with the Lands actually drained or improved (such Townland or Denomination or Portion thereof belonging to the Proprietor of the said last-mentioned Lands), the said Monies, Rentcharges, and Instalments respectively shall be deemed and taken to be charged upon such Townland or Denomination, or Portion or Portions of the same, as the Case may be, in the same Priority and in like Manner in all respects as the said Monies, Rentcharges, or Instalments shall, by virtue of the said Act, be chargeable upon the Lands actually drained or improved under the Provisions of the same, and declared by any Award so to be.

Act and recited Act to be construed as One Act.

2. This Act and the said Drainage and Improvement of Lands Act (Ireland), 1863, shall be construed together as One Act.

Drainage and Improvement of Lands (Ireland).

A

BILL

To explain certain Provisions contained in the Drainage and Improvement of Lands (Ireland) Act, 1863.

(Prepared and brought in by
Mr. Peel and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed,*
9 *May* 1864.

[Bill 100.]

Under 1 *oz.*

A

BILL

TO

Confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863."

WHEREAS the Commissioners of Public Works in Ireland have, in pursuance of "The Drainage and Improvement of Lands Act (Ireland), 1863," duly made the Provisional Order contained in the Schedule to this Act annexed, and it is by the said Act provided that no such Order shall be of any Validity whatever until it shall have been confirmed by Parliament, and it is expedient that the said Order should be so confirmed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. 26 & 27 Vict. c. 88.

1. The Provisional Order contained in the Schedule hereunto annexed is hereby confirmed, and from and after the *passing of this Act* shall be deemed to be a Public General Act of Parliament of the like Force and Effect as if the Provisions of the same had been enacted in the Body of this Act.

Provisional Order in Schedule confirmed.

2. It is hereby declared, That, as against any Person owning or interested in any Land or other Property situate beyond the Limits of the Jurisdiction of the Board established by this Act, nothing contained in the said Drainage and Improvement of Lands Act (Ireland),

Nothing in 26 & 27 Vict. c. 88. construed to render legal Works that would have been illegal if Act had not passed.

(Ireland), 1863, or in the said Provisional Order, or in this Act, shall be construed to render legal any Work executed or to be executed by such Board that would, if the said Acts had not been passed, have been illegal by reason of its injuriously affecting such Land or Property; and any Damages adjudged to be paid by the said Board to any Person as aforesaid shall be deemed to be Part of the Costs incurred by such Board in defending legal Proceedings instituted against them, and shall be defrayed in manner in which the said Costs are authorized to be defrayed by "The Drainage and Improvement of Lands Act (Ireland), 1863."

Short Title.

3. The Act may be cited for all Purposes as "The Drainage and Improvement of Lands Supplemental Act, Ireland, 1864."

SCHEDULE to which the Act refers.

DRAINAGE AND IMPROVEMENT OF LANDS ACT, 1863.

In the Matter of ATHBOY DRAINAGE DISTRICT, County of Meath.

WHEREAS certain Proprietors of and Persons interested in the Lands adjoining the Athboy River, on or about the 28th Day of January 1864, presented their Petition to the Commissioners of Public Works in Ireland under the Provisions of the Drainage and Improvement of Lands Act (Ireland), 1863, accompanied by the proper Schedules, Maps, Plans, Sections, and Estimates, together with other Particulars and Information required by the said Act, showing, by Reference to the said Maps, the Boundaries and Area of the proposed Drainage District, and stating the Exigencies rendering the Formation of such Drainage District necessary, and praying that the said Lands within the proposed District should be constituted a separate Drainage District under the Provisions of the said Act:

And whereas the said Commissioners referred the same to Samuel U. Roberts, Esquire, Civil Engineer, an Inspector duly appointed under the said Act:

And whereas all Notices and Inquiries required by the said Act have been duly given and made, and the said Inspector has duly reported to us, the said Commissioners, in Writing, the Result of his Inquiries; and we, the said Commissioners, have duly considered the same, and no Objections to the Report of the said Inspector have been made to us, and all Preliminaries required by the said Act to precede the making of this Provisional Order have been performed and complied with:

And whereas we, the said Commissioners of Public Works in Ireland, upon consideration of the Premises, are satisfied of the Propriety of constituting the proposed separate Drainage District, and that the Proprietors of Two Third Parts in Value of the Lands in the proposed District are in favour thereof, and have subsequently to the Date of the Report of the said Inspector assented thereto in Writing:

Now, therefore, in pursuance of the Power given to us by the said Act, we, the Commissioners of Public Works in Ireland, do, by this Provisional Order under our Common Seal, constitute the Area in the said Petition and Report (and the Boundaries and Extent of which are set forth within Yellow Lines on certain Maps to which we have caused our Common Seal to be attached, and which Maps are deposited in the Office of Public Works in Ireland,) a separate Drainage District, by the Name of "The Athboy River Drainage District;" and we do declare that the Lands to be purchased for the proposed Works in such District (subject to such Alterations and Deviations therefrom as we, the said Commissioners, may hereafter sanction) are the Lands in that Behalf shown and set forth in the said Maps and the Schedule thereto annexed, marked with the Letter B. and also sealed with our Common Seal.

And we, the said Commissioners of Public Works, do, by this our Order, order and direct that the Time for Completion of the necessary Works in the said District shall be limited to the First Day of July which will be in the Year One thousand eight hundred and sixty-six.

And we do further by this our Provisional Order make the following Regulations with respect to the Drainage Board:

That the Drainage Board for the said District shall consist of Seven Members:

That the following Persons shall be the Members of the First Drainage Board, viz.;

William Chapman, South Hill in the County of Westmeath, Esquire;
George A. Rotheram, of Kilbride in the County of Meath, Esquire;
Henry Atkinson, of Frankville in the County of Meath, Esquire;
Mathew Morrison, of Bachelor's Walk in the City of Dublin, Esquire;
Edward Thos. Stapleton, of College Green in the City of Dublin, Esquire;
Abraham Colles, of Ballyfallen in the County of Meath, Esquire;
Nathaniel Hone Dyas, of Athboy House in the County of Meath, Esquire:

That the First Meeting of the said Board shall be summoned by Notice under the Hands of any Two or more of the said Board published in the Dublin Gazette, and some Newspaper generally circulated in the said District, at least Fourteen Days next before the Day of meeting:

That the Qualification of any subsequent Member of the said Board shall be, that he shall be the Proprietor (as defined by the said Act, and the Acts referred to therein or incorporated therewith,) of not less than Twenty Acres of Land situate within the Area of the said District, or the Land Agent for the Time being of a Person being a Proprietor as aforesaid of not less than One hundred Acres of Land situate within the Area of said District, and acting as Receiver of the Rents and Profits of such Lands:

That the Members of the First Board shall vacate their Offices on the First Thursday in September in the Year following the Date of this Provisional Order:

That the Electors for Members of the Drainage Board shall be the Persons in that Behalf mentioned in the said Act: Provided always, that no such Elector shall be entitled to vote or exercise any Privilege as such unless the Land of which he is the Proprietor, or some Portion thereof, shall be rateable on account of the Works in the District, and he shall have previously paid all Rates or Arrears of Rates which may be payable by him in respect of any Drainage Rate for the aforesaid District.

In witness whereof, we, the said Commissioners of Public Works in Ireland, have hereunto caused our Common Seal to be affixed this Fourth Day of July One thousand eight hundred and sixty-four.

E. Hornsby. (L.S.)

Office of Public Works,
Dublin.

Drainage and Improvement of Lands (Ireland) Supplemental.

A

B I L L

To confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863."

(*Prepared and brought in by*
Mr. Peel and Sir Robert Peel.)

Ordered, by The House of Commons, *to be Printed,*
13 *July* 1864.

[Bill 207.]

Under 1 *oz.*

Ecclesiastical Courts and Registries (Ireland) Bill.

An Abstract of the Provisions of the proposed "Ecclesiastical Courts and Registries Bill (Ireland) 1864."

PART I.

PRELIMINARY.

It is proposed that the Bill shall be cited as "The Ecclesiastical Courts and Registries Act (Ireland), 1864;"—that it shall extend only to Ireland,—and shall not come into operation sooner than the Second Day of November One thousand eight hundred and sixty-four.

PART II.

RULES AND ORDERS.

It is proposed that the Archbishop of Armagh and the Archbishop of Dublin may prepare Rules and Orders for—

(1.) Altering and regulating the Times, Forms, and Mode of Procedure and Practice before the Provincial and United Courts; and

(2.) Altering, establishing, and regulating the Fees to be payable by Suitors of the Provincial and United Courts to the Officers thereof in respect of the Business to be conducted before such Courts:

(3.) Regulating the Government and Conduct of Registrars of the Provincial Registries and the Registrars of the United Registries, Apparitors, Clerks, Agents, and other Officers or Persons, in and relating to the Distribution and Performance of the Duties and Business to be done and performed in the Execution of their Offices or of this Act, and of Rules and Orders made in pursuance of it:

(4.) The Custody and Preservation of Records, Books, Instruments, or other Documents in the Provincial and United Registries:

(5.) Making such Alterations in the Form and Number of Ecclesiastical Instruments now issued under any Archiepiscopal or United or Consistorial Seal, or out of any Provincial or Diocesan Court, as they may deem expedient, and such Instruments so altered shall be as effectual in Law for this Purpose as the Forms for which they are substituted :

(6.) Regulating Fees on Instruments prepared in the Provincial Registries or United Registries, or filed therein :

(7.) Altering and regulating on a uniform Scale the Fees on Marriage Licences, such Fees, exclusive of Stamp Duty, not to exceed in any Case the Sum of Forty Shillings, except in the Case of Special Licences :

(8.) Regulating Visitation Fees, the Fees of Officers to the Bishops, and other Fees, Charges, and Costs to be charged and paid either in the Provincial and United Courts or in the Provincial and United Registries, in respect of the Business done or transacted therein respectively :

(9.) Regulating the Fees, Expenses, and Costs which shall, under this Act, be charged and payable in the Provincial and United Registries for the Performance of the Duties belonging to the Offices of the Provincial Vicars General, Vicars General of the United Courts, Surrogates, Registrars of the Provincial Registries, and Registrars of the United Registries, Apparitors, or other Officers :

(10.) Establishing and regulating the Salaries or Allowances or Fees to be allowed to all or any of the Vicars General of the Provincial and United Courts, Surrogates, Apparitors, Registrars of Provincial Registries, or Registrars of the United Registries, or other Officers :

(11.) Establishing and regulating the Fees and Allowances to Proctors, Attornies, and Solicitors in respect of the Business transacted by them either in the Provincial and United Courts or in the Provincial and United Registries : Or for,

(12.) Otherwise bringing into operation and carrying into effect the Provisions of this Act.

Such Rules and Orders so prepared are to be referred to the Lord Lieutenant in Council, who may allow or disallow the same.

All Rules and Orders are to be laid before both Houses of Parliament.

PART III.

It is proposed that there shall be in Ireland exclusive of the Two Provincial Courts, Twelve United Diocesan Courts, and Twelve United Diocesan Registries.

The several Dioceses, the Courts and Registries of which shall have been united, are to be taken to be One Diocese for all Purposes of Citation and of Ecclesiastical Jurisdiction.

How Bishops may designate themselves.

The Dioceses of Clonfert and Kilmacduagh are to be transferred to the Province of Armagh.

The Court and Registry of Clogher are to be united to the Court and Registry of Armagh.

The Court and Registry of Raphoe are to be united to the Court and Registry of Kerry.

The Court and Registry of Dromore are to be united to the Court and Registry of Down and Connor.

The Courts and Registries of Elphin and Ardagh are to be united to the Court and Registry of Kilmore.

The Courts and Registries of Killaloe and Achonry are to be united to the Court and Registry of Tuam.

The Court and Registry of Kildare is to be united to the Court and Registry of Dublin.

The Courts and Registries of Ferns and Leighlin are to be united to the Court and Registry of Ossory.

The Courts and Registries of Waterford, Lismore, and Emly are to be united to the Court and Registry of Waterford.

The Courts and Registries of Cloyne and Ross are to be united to the Court and Registry of Cork.

The Courts and Registries of Kilfenora, Clonfert, and Kilmacduagh are to be united to the Court and Registry of Killaloe.

The Court and Registry of Ardfert are to be united to the Court and Registry of Limerick.

The Vicars General of Armagh, Derry, Down, Kilmore, Tuam, Killaloe, Dublin, Ossory, Waterford, Cork, Limerick, and Meath are to be the Vicars General of the Twelve United Dioceses.

The Registrars of the existing Diocesan Registries are to be joint Registrars of the United Registries, and each of such joint Registrars of a United Registry is to continue to discharge his Duties as joint Registrar in the Diocese of which he was Registrar at the Time of the passing of this Act, and to receive the Fees or official Emoluments therefrom.

Until the Death, Resignation, or Removal of all the joint Registrars of any United Registry, no Appointment of Registrars or joint Registrars is to be made.

No Deputy Registrar, after the Death of his Principal, is to discharge as a Matter of Right the Duties of Deputy Registrar.

The Patents of the Vicars General of Dromore, Elphin, Ardagh, Kildare, Cashel and Emly, Clonfert and Kilmacduagh, are to be annulled.

Such Vicars General are to receive as a Compensation for the Loss of their Offices the Fees arising from the Office of Vicar General in Spirituals within those Dioceses of which they were the Vicars General at the Time of the passing of this Act.

PART IV.

PROCEDURE AND PRACTICE; PROCEEDINGS IN DEFAULT OF APPEARANCE; PAYMENT OF COSTS; COMPUTATION OF TIME; OATHS AND SUBSCRIPTIONS; PROCEEDINGS BY CONSENT; GRANT OF FACULTIES; AND FILING OF INSTRUMENTS.

Mode of Procedure in the Provincial and United Courts.

Suits are to be commenced by filing a Petition or Statement of Accusation in the Registry.

Defendants are to have the same Rights as in the Superior Courts.

Petitioners are to make an Affidavit that no Collusion exists between them and the Defendants, and that they believe the Allegations in the Petition to be true.

Service of Petition or Notices, &c.

Petitions, &c. may be sent to the Registry in a Registered Letter.

Summonses, Petitions, or Notices may be sent by Post in a Registered Letter.

Proceedings in default of Appearance.

Suits may be heard and determined in the Absence of the Defendant, if he has been duly summoned.

Payment of Costs.

Security for Costs.

Costs to be in the Discretion of the Court.

Frivolous Complaints or Defences.

Computation of Time.

Oaths and Subscriptions.

Acts of Episcopal Jurisdiction not required to be done in Court.

Oaths and Subscriptions made before a Bishop may be witnessed by a beneficed Clergyman.

Proceedings by Consent.

Questions may, by Consent of all Parties, be stated for the Determination of the Court in a Special Case.

Suits instituted in the Province of Armagh may be heard and determined in the Province of Dublin.

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Judgments of the Provincial and United Courts to be in Writing.

Judgment or Sentence of the Court to be filed in the Registry.

When Judgments need not be delivered in open Court.

Copies of Judgments to be sent to the Parties upon the Record.

Printed Copies of the Judgment of the Provincial Courts and Judicial Committee to be sent to the respective Archbishops.

PART VII.

Enforcement of the Process of the Provincial and United Courts.

Citation or Notice to extend over Great Britain and Ireland.

Process of the Diocesan Court to be under Seal.

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PART VIII.

Practitioners.

Who may appear as Counsel.

Solicitors, &c. to have the same Privileges as in the Superior Courts.

PART IX.

PROVINCIAL AND DIOCESAN VICARS GENERAL, REGISTRARS, AND OTHER OFFICERS.

Every future Provincial Vicar General must be a Queen's Serjeant, a Queen's Counsel, or a practising Barrister of Fifteen Years standing.

In case of Illness or Absence of the Vicar General of a Province, the Archbishop can appoint a Deputy Vicar General having the like professional Qualifications.

Every future Vicar General of a United Court must be a practising Barrister of Six Years standing at the Bar, but Vicars General appointed before the passing of this Act are not to be disqualified from retaining their Offices as Vicars General.

Power is given to the Bishop to appoint a Deputy Vicar General of Six Years standing at the Bar during the Illness or Absence of the Vicar General.

Every Vicar General is to hold his Office during good Behaviour.

Forms of Oath for the Vicars General have been prepared.

Vicars General are to be removed from their Office when they cease to be Members of the Church.

Every future Registrar of a United Registry must perform his Duties in Person.

But any Person holding the Office of Registrar at the Time of the passing of this Act may discharge his Duties as heretofore by Deputy.

In case of the Illness or Absence of the Registrar the Archbishop or Bishop, as the Case may be, can appoint a Deputy Registrar to act as Registrar.

Remedies to be provided for the Misconduct of Officers and other Persons.

PART X.

RESERVATION OF EXISTING RIGHTS.

It is not proposed that this Act shall affect the Power of any Prelate, otherwise than is expressly provided.

The Right of Visitation has not been interfered with.

The Right to appoint Surrogates is to be regulated by the Rules and Orders.

All Suits pending in any Ecclesiastical Court are to be dealt with by the United Courts under this Act.

A Vicar General who has heard a Cause before this Act comes into operation can deliver a written Judgment therein at any Time within Six Weeks after the Act comes into operation.

The United Courts can enforce Decrees or Orders made before this Act comes into operation.

PART XI.

Miscellaneous Clauses.

For the Purposes of this Act, Power is given to Archbishops and Bishops in exempt Jurisdictions.

Future Commissaries appointed to issue Marriage Licences, and to be subject to the Rules and Orders.

The Ecclesiastical Records and other Instruments are to be kept at the United Registries.

Persons stealing or defacing Records will be guilty of Felony.

Application of Fees, &c.

Official Charges, &c. may be recovered before the Chairman of the County Quarter Sessions.

The Archbishop of Armagh and the Archbishop of Dublin are to appoint an Auditor for the auditing of all the Receipts and Disbursements of the United Courts and Registries.

Annual Reports of the Business transacted in the Ecclesiastical Courts and Registries, and an Abstract of all Receipts and Disbursements in the Courts or Registries, are to be made and transmitted to the Lord Lieutenant in Council.

PART XII.

Appeals from the United Courts to the Provincial Courts.

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A

BILL

INTITULED

An Act for the Union of the Diocesan Courts and Registries in Ireland; for the Regulation of the Mode of Procedure therein, and also in the Provincial Courts of Armagh and Dublin; and for Appeals therefrom.

WHEREAS it is expedient to make Provision for the Union of the Consistorial or Diocesan Courts and Registries in Ireland; to alter and amend the Procedure and Practice of the Provincial and Diocesan Courts and Registries, in order that the same may be rendered simple and expeditious; to reduce and regulate the Expenses and Costs now charged and payable in such Courts and Registries; to re-arrange, reduce, or abolish the Fees upon Letters of Orders, Consecration of Churches, Institutions to Benefices, and other Ecclesiastical Instruments and Acts; and to make Provision for the better Preservation of the Ecclesiastical Records and other Instruments deposited in the Provincial and Diocesan Registries: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Preamble.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

PART I.

Preliminary.

Name of Act.

1. This Act may be cited as "The Ecclesiastical Courts and Registries Act (Ireland), 1864."

Extent of Act.

2. This Act shall only extend to that Part of the United Kingdom called Ireland.

Commencement of Act.

3. This Act shall come into operation on such Day, not sooner than the Second Day of November One thousand eight hundred and sixty-four, as the Lord Lieutenant of Ireland shall by Order in Council appoint, provided that such Order be made One Month at least previously to the Day so to be appointed.

Interpretation Clause.

4. For the Purposes of this Act the following Words and Expressions shall, if not inconsistent with the Context, be thus interpreted:

"Archbishop of Armagh:" "Archbishop of Armagh" shall mean the Lord Archbishop of Armagh for the Time being:

"Archbishop of Dublin:" "Archbishop of Dublin" shall mean the Lord Archbishop of Dublin for the Time being:

"Bishop:" "Bishop" shall include an Archbishop within his own Diocese:

"Judicial Committee:" "Judicial Committee" shall mean the Judicial Committee of Her Majesty's Privy Council in England:

"Lord Chancellor:" "Lord Chancellor" shall mean the Lord High Chancellor or Lord Commissioners for the Custody of the Great Seal of Ireland for the Time being:

"Lord Lieutenant in Council:" "Lord Lieutenant in Council" shall mean the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being, by and with the Advice of Her Majesty's Privy Council in Ireland:

"Jurisdiction:" "Jurisdiction" shall include "Power and Authority:"

"Rules and Orders." "Rules and Orders" shall mean such Rules and Orders as shall from Time to Time be prepared by the Archbishop of Armagh and the Archbishop of Dublin, and directed by the Lord Lieutenant in Council to take effect as Rules and Orders under the Provisions of this Act:

"Said Archbishops:" "Said Archbishops" shall mean the Lord Archbishop of Armagh for the Time being and the Lord Archbishop of Dublin for the Time being:

"Superior Courts:" "Superior Courts" shall mean Her Majesty's Superior Courts of Law and Equity in Dublin:

"The Church" shall denote the United Church of England and Ireland:

"The Church:"

"The Commissioners" shall mean and include the Commissioners of Inland Revenue:

"The Commissioners:"

"The Court" shall mean the Provincial Court or the United Court as regulated under this Act, as the Case may be:

"The Court:"

"United Court" shall mean the Consistorial or Diocesan Court formed by the Union of the several Courts which by the Enactments of this Act shall be united to each other, and shall include the Diocesan Court of Meath:

"United Court:"

"United Diocese" shall mean the several Dioceses under the Episcopal Jurisdiction of One Archbishop or Bishop, and shall include the Diocese of Meath:

"United Diocese:"

"United Registry" shall mean the Consistorial or Diocesan Registry formed by the Union of the several Registries which by the Enactments of this Act shall be united to each other, and shall include the Registry of the Diocese of Meath:

"United Registry:"

"Vicar General" shall mean and include Official Principal, Commissary General, and Chancellor.

"Vicar General."

PART II.

Rules and Orders.

Rules and Orders to be prepared by the Archbishops of Armagh and Dublin, with the Concurrence of the Lord Lieutenant in Council.

5. It shall be lawful for the Archbishop of Armagh and the Archbishop of Dublin to prepare from Time to Time Rules and Orders for—

(1.) Altering and regulating the Times, Forms, and Mode of Procedure and Practice before the Provincial and United Courts; and

(2.) Altering, establishing, and regulating the Fees to be payable by Suitors of the Provincial and United Courts to the Officers thereof in respect of the Business to be conducted before such Courts:

(3.) Regulating the Government and Conduct of Registrars of the Provincial Registries and the Registrars of the United Registries, Apparitors, Clerks, Agents, and other Officers or Persons, in and relating to the Distribution and Performance of the Duties and Business to be done and performed in the Execution of their Offices or of this Act, and of Rules and Orders made in pursuance thereof:

(4.) The Custody and Preservation of Records, Books, Instruments, or other Documents in the Provincial and United Registries:

(5.) Making such Alterations in the Form and Number of Ecclesiastical Instruments now issued under any Archiepiscopal or Episcopal or Consistorial Seal, or out of any Provincial or United Court, as they may deem expedient, and such Instruments so altered shall be as effectual in Law for this Purpose as the Forms for which they are substituted:

(6.) Regulating Fees on Instruments prepared in the Provincial Registries or United Registries, or filed therein:

(7.) Altering and regulating on a uniform Scale the Fees on Marriage Licences, such Fees, exclusive of Stamp Duty, not to exceed in any Case the Sum of Forty Shillings, except in the Case of Special Licences:

(8.) Regulating Visitation Fees, and other Fees, Charges, and Costs to be charged and paid either in the Provincial and United Courts or in the Provincial and United Registries, in respect of the Business done or transacted therein respectively:

(9.) Regulating the Fees, Expenses, and Costs which shall, under this Act, be charged and payable in the Provincial and United Registries for the Performance of the Duties belonging to the Offices of the Provincial Vicars General, Vicars General of the United Courts, Surrogates, Registrars of the Provincial Registries, and Registrars of the United Registries, Apparitors, or other Officers:

(10.) Establishing and regulating the Salaries or Allowances or Fees to be allowed to all or any of the Vicars General of the Provincial and United Courts, Surrogates, Apparitors, Registrars of Provisional Registries, or Registrars of the United Registries, or other Officers to be appointed after this Act comes into operation:

(11.) Establishing and regulating the Fees and Allowances to Proctors, Attornies, and Solicitors in respect of the Business transacted by them either in the Provincial and United Courts or in the Provincial and United Registries: Or for,

(12.) Otherwise bringing into operation and carrying into effect the Provisions of this Act:

And such Rules and Orders so prepared shall be submitted to the Lord Lieutenant in Council; and it shall thereupon be lawful for the Lord Lieutenant in Council to direct that all or any Part of such Rules and Orders shall take effect as Rules and Orders of the Provincial and United Courts and of the Provincial and United Registries respectively; and all such Rules and Orders may from Time to Time, upon the Recommendation of the said Archbishops, be rescinded, altered, varied, or added to by the Lord Lieutenant in Council.

6. The Power of altering or regulating any Fees or other Emoluments that may, at the Time of the passing of this Act, be vested in any Ecclesiastical Court or Registry, or in any Archbishop, Bishop, Vicar General of a Provincial Court, Vicar General of a Diocesan Court, or other Person or Body Corporate, shall only be exercised after the passing of this Act by Order of the Lord Lieutenant in Council, upon the Recommendation of the said Archbishops.

Power of altering and regulating Fees.

7. All Rules and Orders which may be made under this Act shall be laid before both Houses of Parliament by the Registrar of the Provincial Court of Armagh or by the Registrar of the Provincial Court of Dublin, as shall be directed by the Rules and Orders, within One Month after the making thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within One Month from the Commencement of the then next Session of Parliament.

Rules, &c. to be laid before Parliament.

PART III.

The United Courts and Registries.

8. There shall be in Ireland, exclusive of the Two Provincial Courts, Twelve United Diocesan Courts and Twelve United Diocesan Registries.

Establishment of United Courts and Registries.

9. The several Dioceses the Courts and Registries of which shall have been united under this Act shall be deemed and taken to be One Diocese for all Purposes of Citation and of Ecclesiastical Power, and shall have a Seal for each United Court and Registry.

Certain Dioceses to be united for Ecclesiastical Jurisdiction.

10. For Official Signature to all Documents and other Instruments it shall be sufficient if the Archbishop of Armagh and Bishop of Clogher shall designate himself Archbishop of Armagh; and if the Archbishop of Dublin and Bishop of Glandelagh and of Kildare shall designate himself Archbishop of Dublin; and if the Bishop of Down and Connor and Dromore shall designate himself Bishop of Down; and if the Bishop of Derry and Raphoe shall designate himself Bishop of Derry; and if the Bishop of Kilmore, Elphin, and Ardagh shall designate himself Bishop of Kilmore; and if the Bishop of Tuam, Killala, and Achonry shall designate himself Bishop of Tuam; and if the Bishop of Killaloe, Kilfenora, Clonfert, and Kilmacduagh shall designate himself Bishop of Killaloe; and if the Bishop of Limerick, Ardfert, and Aghadoe shall designate himself

Signature of Bishops.

Bishop of Limerick; and if the Bishop of Ossory, Ferns, and Leighlin shall designate himself Bishop of Ossory; and if the Bishop of Cashel, Emly, Waterford, and Lismore shall designate himself Bishop of Cashel; and if the Bishop of Cork, Cloyne, and Ross shall designate himself Bishop of Cork.

Dioceses of Clonfert and Kilmacduagh transferred to the Province of Dublin.

11. The Diocese of Clonfert and the Diocese of Kilmacduagh shall be within the Province of Dublin, and under the Archiepiscopal Jurisdiction of the Archbishop of Dublin as Metropolitan.

Court and Registry of Clogher to be united to Court and Registry of Armagh, &c.

12. The Consistorial and Diocesan Court and Registry of the Diocese of Clogher shall be united to the Consistorial and Diocesan Court and Registry of the Diocese of Armagh:

The Consistorial and Diocesan Court and Registry of the Diocese of Raphoe shall be united to the Diocesan Court and Registry of the Diocese of Derry:

The Consistorial and Diocesan Court and Registry of the Diocese of Dromore shall be united to the Consistorial and Diocesan Court and Registry of the Dioceses of Down and Connor:

The Consistorial and Diocesan Courts and Registries of the Dioceses of Elphin and Ardagh shall be united to the Consistorial and Diocesan Court and Registry of the Diocese of Kilmore:

The Consistorial and Diocesan Courts and Registries of the Dioceses of Killala and Achonry shall be united to the Consistorial and Diocesan Court and Registry of the Diocese of Tuam:

The Consistorial and Diocesan Courts and Registries of the Dioceses of Clonfert, Kilmacduagh, and Kilfenora shall be united to the Consistorial and Diocesan Court and Registry of the Diocese of Killaloe:

The Consistorial and Diocesan Court and Registry of the Diocese of Kildare shall be united to the Consistorial and Diocesan Court and Registry of the Dioceses of Dublin and Glandelagh:

The Consistorial and Diocesan Courts and Registries of the Dioceses of Ferns and Leighlin shall be united to the Consistorial and Diocesan Court and Registry of the Diocese of Ossory:

The Consistorial and Diocesan Courts and Registries of Cashel and Emly shall be united to the Consistorial and Diocesan Court and Registry of the Dioceses of Waterford and Lismore:

The Consistorial and Diocesan Court and Registry of the Diocese of Cloyne shall be united to the Consistorial and Diocesan Court and Registry of the Dioceses of Cork and Ross:

And the Consistorial and Diocesan Court and Registry of the Dioceses of Ardfert and Aghadoe shall be united to the Consistorial and Diocesan Court and Registry of the Diocese of Limerick.

Vicar General of Armagh to be Vicar General of Clogher, &c.

13. The Vicar General of the Diocese of Armagh shall discharge the Duties and possess the Rights and Powers of the Vicar General of the Diocese of Clogher:

The Vicar General of the Diocese of Derry shall discharge the Duties and possess the Rights and Powers of the Vicar General of the Diocese of Raphoe:

The Vicar General of the Dioceses of Down and Connor shall, subject to the Provisions herein-after contained, discharge the Duties and possess the Rights and Powers of the Vicar General of the Diocese of Dromore:

The Vicars General of the Diocese of Kilmore shall, subject to the Provisions herein-after contained, discharge the Duties and possess the Rights and Powers of the Vicars General of the Dioceses of Elphin and of Ardagh:

The Vicar General of the Diocese of Tuam shall discharge the Duties and possess the Rights and Powers of the Vicar General of the Dioceses of Killala and Achonry:

The Vicar General of the Diocese of Killaloe shall, subject to the Provisions herein-after contained, discharge the Duties and possess the Rights and Powers of the Vicars General of the Dioceses of Clonfert, Kilmacduagh, and Kilfenora:

The Official Principal, Commissary General, and Chancellor of the Dioceses of Dublin and Glandelagh shall, subject to the Provisions herein-after contained, discharge the Duties and possess the Rights and Powers of the Vicar General in Spirituals, Official Principal, Commissary General, and Chancellor of the Diocese of Kildare:

The Vicar General of the Diocese of Ossory shall discharge the Duties and possess the Rights and Powers of the Vicar General of the Dioceses of Ferns and Leighlin:

The Vicar General of the Dioceses of Waterford and Lismore shall, subject to the Provisions herein-after contained, discharge the Duties and possess the Rights and Powers of the Vicar General of the Dioceses of Cashel and Emly:

The Vicar General of the Dioceses of Cork and Ross shall discharge the Duties and possess the Rights and Powers of the Vicar General of the Diocese of Cloyne:

The Vicar General of the Diocese of Limerick shall discharge the Duties and possess the Rights and Powers of the Vicar General of the Dioceses of Ardfert and Aghadoe.

Appointment of the Registrars of the United Dioceses.

14. The Registrar of the Diocese of Clogher and the Registrars of the Diocese of Armagh shall be the joint Registrars of the United Dioceses of Armagh and Clogher:

The Registrar of the Diocese of Raphoe and the Registrar of the Diocese of Derry shall be the joint Registrars of the United Dioceses of Derry and Raphoe:

The Registrar of the Diocese of Dromore and the Registrar of the Dioceses of Down and Connor shall be the joint Registrars of the United Dioceses of Down, Connor, and Dromore:

The Registrars of the Dioceses of Elphin and Ardagh and the Registrar of the Diocese of Kilmore shall be the joint Registrars of the United Dioceses of Kilmore, Elphin, and Ardagh:

The Registrar of the Dioceses of Killala and Achonry and the Registrar of the Diocese of Tuam shall be the joint Registrars for the United Dioceses of Tuam, Killala, and Achonry:

The Registrars of the Dioceses of Clonfert, Kilmacduagh, and Kilfenora and the Registrar of the Diocese of Killaloe shall be the joint Registrars for the United Dioceses of Killaloe, Clonfert, Kilmacduagh, and Kilfenora:

The Registrar of the Diocese of Kildare and the Registrar of the Dioceses of Dublin and Glendelagh shall be the joint Registrars of the United Dioceses of Dublin and Glendelagh:

The Registrars of the Dioceses of Ferns and Leighlin and the Registrar of the Diocese of Ossory shall be the joint Registrars of the United Dioceses of Ossory, Ferns, and Leighlin:

The Registrars of the Dioceses of Cashel and Emly and the Registrars of the Dioceses of Waterford and Lismore shall be the joint Registrars for the United Dioceses of Cashel, Waterford, Lismore, and Emly:

The Registrar of the Diocese of Cloyne and the Registrar of the Dioceses of Cork and Ross, shall be the joint Registrars of the United Dioceses of Cork, Cloyne, and Ross:

The Registrar of the Dioceses of Ardfert and Aghadoe and the Registrar of the Diocese of Limerick shall be the joint Registrar of the United Dioceses of Limerick, Ardfert, and Aghadoe.

Existing Registrars shall continue to perform their Duties.

15. Each of such joint Registrars of a United Registry shall continue to discharge his Duties as Registrar in the Diocese of which he is Registrar at the Time of the passing of this Act, and to receive, subject to the Rules and Orders, the Fees or official Emoluments arising therefrom.

Surviving Registrars to perform the Duties of Registrars of United Registries.

16. Upon the Death, Resignation, or Removal of One or more of such joint Registrars, the surviving Registrar or Registrars shall, subject to the Rules and Orders, perform all the Duties and receive the Fees and Official Emoluments belonging to the Office of Registrar or joint Registrar of the United Dioceses to which he shall have been appointed under this Act.

Upon Death of all the joint Registrars only One Registrar for each United Diocese to be appointed.

17. Upon the Death, Resignation, or Removal of all the joint Registrars of any United Registry who may be in Office when this Act comes into operation there shall be only One Registrar appointed for any United Registry who shall hold his Office during good Behaviour; and until the Death, Resignation, or Removal of all the joint Registrars of any United Registry no Appointment of Registrar or joint Registrar of any United Registry shall be made.

Deputy Registrars not to exercise the Duties of the Office after the Death, &c. of their Principal.

18. Subject to the Rules and Orders, nothing herein contained shall give any Deputy Registrar a Right to exercise the Duties of a Registrar or Deputy Registrar after the Decease, Resignation, or Removal of his Principal from the Office of joint Registrar.

Existing Patents of Vicars General of Dromore, &c. annulled.

19. When this Act comes into operation, the Patents, Commissions, and Appointments of the Vicars General of the Dioceses of Dromore, Elphin, Ardagh, Kildare, Cashel and Emly, Clonfert and Kilmacduagh, shall, except as to their respective existing Rights and Duties as Vicars General in Spirituals, be of no Force and Effect: Provided that,

Upon the Death, Resignation, or Removal of the now Vicar General of Dromore the Rights and Duties of the Vicar General of Dromore in Spirituals shall belong to and be discharged by the Vicar General of the Diocese of Down and Connor for the Time being:

Upon the Death, Resignation, or Removal of the now Vicar General of Elphin and of the now Vicar General of Ardagh the Rights and Duties of the Vicars General of Elphin and of Ardagh in Spirituals shall belong to and be discharged by the Vicar General of the Diocese of Kilmore for the Time being:

Upon the Death, Resignation, or Removal of the now Vicars General of Clonfert, Kilmacduagh, and Kilfenora, the Rights and Duties of such Vicars General of Clonfert, Kilmacduagh, and Kilfenora in Spirituals shall belong to and be discharged by the Vicar General of the Diocese of Killaloe for the Time being:

Upon the Death, Resignation, or Removal of the now Vicar General of Kildare the Rights and Duties of the Vicar General of Kildare in Spirituals shall belong to and be discharged by the Official Principal of the Dioceses of Dublin and Glandelagh for the Time being:

Upon the Death, Resignation, or Removal of the now Vicar General of the Dioceses of Cashel and Emly the Rights and Duties of the Vicar General of Cashel and Emly in Spirituals shall belong to and be discharged by the Vicar General of the Dioceses of Waterford and Lismore for the Time being.

Fees to Vicars General in Spirituals.

20. Every Registrar shall, in such Manner as may be directed by the Rules and Orders, keep separate an Account of all Fees for Diocesan Business transacted by him after this Act comes into operation; and he shall on the Twenty-fifth Day of March and on the Twenty-ninth Day of September in every Year, in such Manner as may be directed by the Rules and Orders, account for and pay to any Vicar General whose Patent, Commission, or Appointment is or may be partly annulled by this Act the Fees for Business transacted belonging to the Office of Vicar General in Spirituals received in respect of the Diocese to which each such Vicar General severally belongs; and the Registrars of the United Registries shall respectively pay to the Vicars General appointed under this Act their respective Shares of such Fees as are payable to them as the Official Principal's Chancellors and Commissary Generals of such Dioceses.

PART IV.

PROCEDURE AND PRACTICE; PROCEEDINGS IN DEFAULT OF APPEARANCE; PAYMENT OF COSTS; COMPUTATION OF TIME; OATHS AND SUBSCRIPTIONS; PROCEEDINGS BY CONSENT; GRANT OF FACULTIES; AND FILING OF INSTRUMENTS.

Mode of Procedure in the Provincial and United Courts.

Suits, &c. to be commenced by filing a Petition or Statement of Accusation in the Registry.

21. Suits or other Proceedings shall be commenced in the Provincial or United Courts by filing in the Registry a Petition or Statement of Accusation, signed by Counsel, and addressed to the Provincial or United Court, as the Case may be, and by serving the Defendant with a Copy thereof, and the subsequent Proceedings shall be conducted subject to the Rules and Orders.

Defendants to have the same Rights as in the Superior Courts.

22. Every Defendant under this Act shall have, except the Right to have disputed Questions of Fact tried by a Jury, the same Rights and Privileges as Defendants have in the Superior Courts.

Affidavit by Petition that no Collusion exists, and that the Allegations in the Petition are true.

23. In any Suit or other Proceeding originated in a Provincial or United Court, other than for the Grant of Faculty, the Petitioner or Prosecutor shall, before presenting his Petition or Statement of Accusation to the Court, make an Affidavit, and annex the same to his Petition or Statement of Accusation, that there exists no

Collusion between himself and the Defendant with respect to the Subject Matters contained in his Petition or Statement of Accusation, and that he believes that the Allegations contained in his Petition or Statement of Accusation are true: The Court may, if it think fit, order the Petitioner or Prosecutor to attend, and may examine him or permit him to be examined or cross-examined, on the Hearing of any such Petition or Statement of Accusation.

Service of Petition or Notices, &c.

Petitions, &c. may be sent to the Registry in a Registered Letter

24. Petitions, Deeds, Documents, Instruments, Notices, and other Communications directed to be filed in or sent to any Provincial or United Registry under this Act may be forwarded by Post in a Registered Letter to such Registry.

Any Petition or Notice may be served by sending the same in a Registered Letter to the Party to be served.

25. A Summons, or the Copy of any Petition or Statement of Accusation, or any Notice, may be served either on the Person instituting any Suit or other Proceeding, or upon the Defendant to such Suit or other Proceeding, by leaving the same or sending it by Post in a Registered Letter addressed to him at his usual Place of Abode.

Proceedings in default of Appearance.

26. If a Party be duly summoned to appear in any Suit or other Proceeding, and shall not appear pursuant to the Rules and Orders, the Court having Jurisdiction over such Suit or other Proceeding may, notwithstanding such Default, proceed to hear and determine the same.

Payment of Costs.

Security for Costs.

27. The Vicar-General of any Provincial or United Court may, if he deem fit, upon the Application of a Defendant to any Suit or other Proceeding, supported by Affidavit, order the Petitioner or Party prosecuting to give Security for the Costs of the Defendant, and until such Security for Costs be given the Suit or other Proceeding shall be stayed.

Costs to be in the Discretion of the Court.

28. Upon Appeals from the Provincial Court to the Queen in Council the Costs shall be in the Discretion of the Judicial Committee. In Matrimonial Suits, in Suits relating to Dilapidations, and in all other Suits or Proceedings, whether by Consent or otherwise, the Costs shall be in the Discretion of the Court that pronounces the final Judgment.

Frivolous Complaints or Defences.

29. If it appear that any Petitioner or Party prosecuting has made any groundless or frivolous Claim or Complaint, or that any Defendant has set up any groundless or frivolous Defence, the Court or the Judicial Committee, as the Case may be, may order such Petitioner, Party prosecuting, or Defendant, to pay, as between

Attorney and Client, the whole or any Part of the Costs of resisting such groundless or frivolous Claim or Complaint, or setting up such groundless or frivolous Defence, and such Costs shall be taxed as may be directed by the Rules and Orders.

Computation of Time.

30. When any particular Number of Days is prescribed by this Act, or by the Rules and Orders, for the doing of any act, or for any other Purpose, the same shall be reckoned, in the Absence of any Expression to the contrary, exclusive of the first and inclusive of the last Day, unless the last Day shall happen to fall on a Sunday, Christmas Day, Good Friday, Monday and Tuesday in Easter Week, or a Day appointed for a Public Fast or Thanksgiving, in which Case the Time shall be reckoned exclusive of that Day also.

Oaths and Subscriptions.

Acts of Episcopal Jurisdiction not required to be done in Court.

31. Any Act of Episcopal Jurisdiction not required to be done in any Provincial or United Court, at which the Presence of a Surrogate, Registrar, or other Officer is now required, may, at the Discretion of the Bishop, be done in the Presence of any Priest in Holy Orders of the United Church of England and Ireland, or of any Attorney or Solicitor who shall witness the same, and transmit it to the Registrar.

Oaths and Subscriptions made before a Bishop may be witnessed by a beneficed Clergyman.

32. All Oaths and Subscriptions now required to be made before a Bishop, and to which the Attestation of a Surrogate, Registrar, Notary Public, or other Officer is necessary, may, at the Discretion of the Bishop, be witnessed by any Archdeacon or beneficed Clergyman.

Proceedings by Consent.

Determination of Questions raised by Consent.

33. For the Determination of Questions raised by Consent, the Parties in any Suit or other Proceeding in a Provincial or a United Court may, after a Petition has been filed in any United Registry, or at any subsequent Stage of the Proceedings before Judgment, state any Questions arising in such Suit or other Proceeding in a Special Case, provided it be signed by a Barrister-at-Law, and the Parties, after signing and filing the same as of Record in such Registry, may require thereon the Judgment of the United Court in which the Suit or other Proceeding shall have been instituted, without any further Proceeding, and the Judgment of such Court shall be filed in the United Registry as of Record. If either of the Parties be dissatisfied with such Judgment, he may appeal therefrom to the Provincial Court.

Suits, &c. may be heard and determined by the Arch-

34. If all the Parties to any Suit or Proceeding in a Cause or Matter Ecclesiastical be desirous to have such a Suit or Proceeding argued before the Archbishop of Armagh or his Vicar General in Dublin, the Archbishop of Armagh may direct the same to be argued accordingly, bishop of Armagh in the Province of Dublin.

accordingly, and the Archbishop of Armagh or his Vicar General shall have and exercise the same Rights and Powers in respect of such Suit or Proceeding as he would have had or might have exercised in the Province of Armagh.

Grant of Faculties.

35. It shall not be necessary to hold a Court for the Hearing of any Cause arising out of a Petition for the granting of a Faculty, unless within Fourteen Days after the Return of the necessary Citation a Decree on such Petition, or Notice of Opposition to the granting of such Faculty to be made at such Court, shall be filed in the Registry by some Person entitled to appear in such Cause, and failing such Notice the Faculty may be issued as if such Court had been held and no Appearance made.

Ecclesiastical Instruments to be filed.

36. Every Instrument prepared in the Ecclesiastical Registry which shall be executed by the Bishop shall be executed in Duplicate, one Copy whereof shall be given to the Party entitled to receive the same, and the other Copy shall be returned by the Bishop to the Registrar of his Registry, to be by him filed as of Record; provided that where there be no Party entitled to receive such Copy, and it be only requisite to file such Instrument in the Registry, such Instrument shall not be executed in Duplicate.

PART V.

EVIDENCE.

Witnesses to give their Evidence vivâ voce.

37. In all Suits or other Proceedings before a Provincial or United Court the Evidence shall be given, save as hereinafter provided, vivâ voce in open Court, and upon Oath.

Notes of Evidence to be taken down by the Vicar General, &c.

38. Notes of such Evidence shall be taken down in Writing by the Vicar General of the Province or of the United Court, as the Case may be, or by the Registrar, or by such other Person and in such Manner as such Vicar General or as the Rules and Orders shall direct.

Note upon any Decision in Court upon a Question of Law to be signed by the Vicar General.

39. A Note of any Judgment that may be given by the Court as to any Question of Law arising before the Hearing of any Suit or other Proceeding, or as to the Admissibility of any Evidence, shall be made and signed by the Vicar General who presides at such Hearing or Judgment.

Shorthand Writer to report Evidence and

40. The Court, in any Suit or other Proceeding may, if requested by any of the litigant Parties, in open Court, at the Commencement of the Trial, appoint a Shorthand Writer, or, if needed, more than

Summing-up of the Court.

One, or a Reporter, or, if needed, more than One, who shall be sworn faithfully to report the Evidence at such Trial in such Manner as shall be directed by the Rules and Orders, and the Payment of such Shorthand Writer or Reporter shall be paid by the Parties making the Application; and such Report shall be disposed of in such Manner as shall be directed by the Rules and Orders.

False Evidence to be deemed Perjury.

41. If in the Provincial Court of Armagh or of Dublin, or in any United Court, or in any Provincial or United Registry, any Person wilfully give false Evidence upon Oath, he shall be deemed guilty of Perjury.

Attendance of Witnesses.

42. Any Provincial or United Court may require and enforce the Attendance of any Witness before itself in any Suit or other Proceeding, and also the Production of any Deeds, Evidences, Books, or Writings, by any Order, to be issued in such and the same Form, or as nearly as may be, as that in which a Writ of Subpœna ad testificandum or of Subpœna duces tecum is now issued and enforced in the Superior Courts; and every Person disobeying such Order shall be considered as in Contempt of the Court, and may be punished accordingly.

Evidence may be taken before a Commissioner.

43. In any Suit or Proceeding in a Provincial or United Court, if the Court be satisfied, by Affidavit or otherwise, that from Illness, Age, or Infirmity, any Person whose Testimony is required cannot attend and give Evidence in Person at the Trial, it may, if it appear to be necessary for the Ends of Justice, issue a Commission for the Examination of such Witness on Oath, upon Interrogatories or otherwise, or, if the Witness be within the Jurisdiction of the Court, order the Examination of such Witness upon Oath, upon Interrogatories or otherwise, before any Officer or Person to be named in such Order for the Purpose, and all the Powers given to the Superior Courts by any Act now in force for enabling such Courts to issue Commissions and give Orders for the Examination of Witnesses in Actions depending in such Courts, and to enforce such Examination, and all the Provisions of any Acts for enforcing or otherwise applicable to such Examination, and to the Witnesses examined, shall, subject to the Rules and Orders, extend and be applicable to every Provincial and United Court, and to the Examination of Witnesses under the Commission and Orders of such Court, and to the Witnesses examined, as if such Court was one of the Superior Courts, and the Matter before it was an Action pending in such Court.

PART

PART VI.

JUDGMENTS.

Judgments of the Provincial and United Courts to be in Writing.

44. Every Judgment pronounced by the Vicars General of the Provincial and United Courts shall be in Writing.

Judgment or Sentence of the Court to be filed in the Registry.

45. When the Court shall have signed its Judgment or Sentence the same shall be filed as of Record in the Registry of the Province or Diocese.

When Judgments need not be delivered in open Court.

46. The Judgment, with the Reasons thereof, of any Provincial or United Court in any Suit or other Proceeding, except in Cases of Crime and Immorality, need not be delivered in open Court, but shall in every Case be filed in the Registry.

Copies of Judgments to be sent to the Parties upon the Record.

47. Copy of every such Judgment shall in every Case be transmitted by the Registrar in the Mode prescribed by the Rules and Orders to each of the Parties upon the Record within Three Days after the filing of such Judgment in the Registry.

Printed Copies of the Judgment of the Provincial Courts and final Court of Appeal to be sent to the Archbishops, &c.

48. The Registrar shall, within Twenty-one Days after the filing in the Registry of any Judgment of a Provincial Court, and of any Judgment or Opinion pronounced thereon by the final Court of Appeal, in respect of Matters concerning the Doctrine, Worship, Discipline, or Government of the Church, cause printed Copies of such Judgment or Opinion to be transmitted to each of the Archbishops and Bishops of the Church holding Sees in England and Ireland, to the Lord Chancellor of Great Britain, to the Lord Chancellor of Ireland, and to such other Persons as shall be directed by the Rules and Orders.

PART VII.

ENFORCEMENT OF THE PROCESS OF THE PROVINCIAL AND UNITED COURTS.

Citation or Notice to extend over Great Britain and Ireland.

49. Any Citation or Notice issuing out of any Provincial or United Court may be personally served upon the Party to be affected thereby in any Part of Great Britain and Ireland, and the Isles of Man, Guernsey, Jersey, Sark, and Alderney.

Process of the Diocesan Court to be under Seal.

50. Summonses and other Process issuing out of the Provincial or United Court shall be sealed or stamped with the Seal of the Court, and signed by the Vicar General of the Province or United Court; and if any Person forge such Seal or Signature, Summons or other Process, or serve or enforce any such Summons or Process, knowing the same to be forged, or deliver or cause to be delivered to any Person any Paper falsely purporting to be a Copy of any Summons or other Process of the Court, knowing the same to be false, or wilfully act under any false Colour or Pretence of the Process of the Court, he shall be guilty of Felony, and shall upon Conviction be liable to Imprisonment for any Term not exceeding Three Years, with or without Hard Labour.

Mode of enforcing Orders, Decrees, and Judgments.

51. Any Provincial or United Court may enforce its Orders, Decrees, and Judgments in such Manner as may be directed by the Rules and Orders; and in the Case of any Order, Decree, or Judgment being pronounced against any Person holding any Preferment, the same may be enforced by means of a Sequestration of such Preferment, subject to the Regulations to be made by the Rules and Orders.

PART VIII.

PRACTITIONERS.

Who may appear as Counsel.

52. A Party to any Suit or other Proceeding in a Provincial or United Court, or, if retained on behalf of either Party, Serjeants-at-Law and Barristers-at-Law, may appear and practise in the Provincial and United Courts, with all the Rights and Privileges that they possess in the Superior Courts.

Solicitors, &c. to have the same Privileges as in the Superior Courts.

53. Proctors, Attornies, and Solicitors may practise as heretofore in the Provincial and United Courts, and the Laws and Statutes concerning Proctors, Attornies, and Solicitors shall extend to Proctors, Attornies, and Solicitors practising under this Act.

PART IX.

PROVINCIAL AND DIOCESAN VICARS GENERAL, REGISTRARS, AND OTHER OFFICERS.

Qualification of a Provincial Vicar General.

54. No Person shall be qualified for the Office of Vicar General of the Provincial Courts of Armagh or Dublin unless he be One of Her Majesty's Serjeants or One of Her Majesty's Counsel, or a practising Barrister of Fifteen Years standing at the Irish Bar.

Appointment of a Deputy Provincial Vicar General.

55. In case of the Illness or Incapacity to act of any Vicar General of the Provinces of Armagh or Dublin, a Statement of the Circumstances whereof shall be by the Registrar filed as of Record in the Registry belonging to the Province of which he is Vicar General, the Archbishop of such Province may appoint under his

Archiepiscopal Seal, which Appointment shall be by the Registrar filed as of Record in the Registry of such Archbishop, One of Her Majesty's Serjeants or One of Her Majesty's Counsel, or a practising Barrister of Fifteen Years standing at the Irish Bar, to act as Vicar General for the Province of Armagh or Dublin, as the Case may be, during the Illness or Incapacity to act of the Vicar General; and every Serjeant, Counsel, or Barrister so appointed, shall, during his Appointment, have all the Powers, Privileges, and Protections and perform all the Duties of the Vicar General for whom he is appointed to act; and such Deputy Vicar General shall be paid by such Vicar General such Sum of Money or Proportion of Fees or Salary, by way of Salary or Allowance, not exceeding Two Thirds of the Fees or Salary received by such Vicar General for his own Use, as shall be fixed by the Archbishop of Armagh or the Archbishop of Dublin, as the Case may be, under his Archiepiscopal Seal.

Qualifications of Diocesan Vicars General.

56. After the passing of this Act, no Person shall be appointed to the Office of Vicar General for any United Diocese unless he has previously been a practising Barrister of Six Years standing at the Irish Bar; but nothing herein contained shall disqualify any Person holding the Office of Vicar General before the passing of this Act from continuing to hold such Office under this Act by reason of his not having been a practising Barrister of Six Years standing.

Appointment of Deputy Diocesan Vicars General.

57. In case of the Illness or Incapacity to act of any Vicar General of a United Diocese, a Statement of the Circumstances whereof shall be filed as of Record in the United Registry belonging to the United Diocese of which he is Vicar General, the Bishop having Power over such United Diocese may appoint under his Episcopal Seal, which Appointment shall be by the Registrar of such United Diocese filed as of Record, a practising Barrister of Six Years standing at the Irish Bar to act as Vicar General for such United Diocese during such Illness or Incapacity; and every Barrister so appointed, shall, during his Appointment, have all the Powers, Privileges, and Protections and perform all the Duties of the Vicar General for whom he is appointed to act; and such Deputy Vicar General so appointed shall be paid by such Vicar General such Sum of Money or Proportion of Fees by way of Salary or Allowance, not exceeding Two Thirds of the Fees received by such Vicar General for his own Use, as shall be fixed by the said Bishop under his Episcopal Seal.

Tenure of Office.

58. Every Vicar General shall hold his Office during good Behaviour.

Oath of Office.

59. Every Vicar General shall, before entering upon the Duties of his Office, take an Oath before any Archbishop or Bishop of the United Church of England and Ireland, or any One of the Judges of the Superior Courts, who is hereby authorized to administer it, which Oath shall be in the following Form; that is to say,

> 'I A.B. do solemnly swear, That I am a Member of the United 'Church of England and Ireland, and that I will faithfully, and 'to the best of my Ability execute the Office of Vicar General within the Province of [*or* Diocese of '*as the Case may be*] without Fear, Favour, Affection, or Malice.
>
> 'So help me GOD.'

Oath to be taken by Deputy Vicar General.

60. Every Barrister appointed to act as a Deputy Vicar General of a Province or United Diocese shall, before entering upon the Duties of his Office, take an Oath before any Archbishop or Bishop of the said United Church, or any One of the Judges of the Superior Courts, who is hereby authorized to administer it; that is to say,

> 'I A.B. do solemnly swear, That I am a Member of the United 'Church of England and Ireland, and that I will faithfully and 'to the best of my Ability execute the Office of Deputy Vicar 'General within the Province of [*or* Diocese 'of *as the Case may be*], without Fear, Favour, 'Affection, or Malice.
>
> 'So help me GOD.'

Vicar General to be removed from Office when he ceases to be a Member of the Church.

61. If any Provincial or Diocesan Vicar General shall cease to be a Member of the Church, his Office shall ipso facto become void, as in the Case of a Vacancy in the Office caused by Death, and a Successor shall be appointed.

Registrars to perform their Duties in Person.

62. Every Registrar of a Provincial or United Registry hereafter to be appointed shall perform the Duties of his Office in Person, and shall not appoint a Deputy Registrar to perform such Duties; but nothing herein contained shall disqualify any Person holding the Office of Registrar before the passing of this Act from discharging such Duties by Deputy as heretofore.

Appointment of Deputy in the Case of Illness or Absence.

63. Provided, That in the Case of the Illness or Absence of any Registrar of a United Registry, a Statement of the Circumstances whereof shall be filed as of Record in the Registry of which he is Registrar, the Archbishop or Bishop having Power over such Registry may appoint, under his Archiepiscopal or Episcopal Seal, which Appointment shall be filed in such Registry as of Record, a qualified Person, to act as Registrar during the Illness or Absence of such

Registrar; and every Person so appointed during the Time for which he shall be so appointed to act shall, subject to the Rules and Orders, have all the Powers, Privileges, and Protections and perform all the Duties of the Registrar for whom he is appointed to act; and such Deputy Registrar shall be paid by such Registrar such Sum of Money by way of Allowance as shall be fixed under the Archiepiscopal or Episcopal Seal of the Archbishop or Bishop having Power over the Registry of such Registrar.

Chancellors, Registrars, and other Officers not to receive Gratuities.

64. It shall not be lawful for any Judge, Officer, or other Person appointed, employed, or retained under the Provisions of this Act, to receive any Gratuity for his own Use or Profit.

Remedies against Officers for Misconduct.

65. If any Registrar, Officer, or other Person belonging to any Provincial Court, United Court, or United Registry, acting under Pretence of the Jurisdiction of the Court or of this Act, be charged with Extortion or Misconduct, or with not duly paying or accounting for Money levied by him under this Act, the Vicar General of the Province or of a United Diocese may publicly inquire into such Matter upon Oath, and may summon and enforce the Attendance of all necessary Parties, in such Manner as shall be directed by the Rules and Orders, and may make such Order thereupon, subject to the written Confirmation of the Bishop endorsed upon such Order, as such Vicar General may deem proper for the Repayment of the Money so extorted, or for the due Payment of Money so levied as aforesaid, and for the Payment of Damages and Costs: All such Orders and Proceedings shall be forthwith transmitted to the Provincial Registry, and filed as of Record: And every such Officer and other Person convicted of such Extortion or Misconduct shall be for ever incapable of being employed under this Act.

PART X.

RESERVATION OF EXISTING RIGHTS.

Act not to affect Powers of Archbishops.

66. Nothing in this Act contained shall be deemed, construed, or taken to derogate from, diminish, prejudice, alter, or affect, otherwise than is expressly provided, any Jurisdiction already vested in or belonging to any Archbishop or Bishop, or Vicar General, under or by virtue of any Statute, Canon, or Usage.

Visitations not interfered with.

67. This Act shall not interfere with the Jurisdiction of any Archbishop, Bishop, Archdeacon, or other Ecclesiastical Person, as to holding Visitations, or doing any Act or exercising any Jurisdiction which he may at present do or exercise at Visitations.

Reservation of the Powers of Vicars General to appoint Surrogates.

68. Subject to the Rules and Orders, nothing in this Act contained shall affect the Power of any Provincial or Diocesan Vicar General of a United Diocese to appoint Surrogates as heretofore, or to affect the Power of any Person heretofore appointed.

As to Suits pending when this Act comes into operation.

69. All Suits and Proceedings in Causes or Matters Ecclesiastical which at the Time when this Act comes into operation shall be pending in any Ecclesiastical Court in Ireland which by this Act shall be united to any other Ecclesiastical Court shall be transferred to, dealt with, and decided by the Court to and with which such Ecclesiastical Court shall be united by this Act, as if the same had originated therein; and all Suits or other Proceedings which, at the Time of this Act coming into operation shall be depending before the Queen in Her High Court of Chancery, shall be dealt with and decided as if this Act had not been passed.

Power to Vicar General whose Power is determined to deliver written Judgments.

70. If any Cause or Matter Ecclesiastical which would under this Act be transferred to a United Court shall have been heard before any Vicar General having Jurisdiction in relation to such Cause or Matter, and be then standing for Judgment, such Vicar General may, at any Time within Six Weeks after this Act comes into operation, give or transmit to the Registrar of the United Court a written Judgment thereon, and a Decree or Order, as the Case may require, shall be drawn up by the Registrar of the United Court, in pursuance of such Judgment, and every such Decree or Order shall have the same Force and Effect as if it had been drawn up in pursuance of a Judgment of the Court of the Diocese of which he had been the Vicar General on the Day on which the same was delivered to the Registrar, and shall be subject to Appeal under this Act.

Courts may enforce Decrees or Orders made before this Act comes into operation.

71. Any Decree or Order of any Ecclesiastical Court which shall have been made before this Act comes into operation in any Cause or Matter Ecclesiastical may be enforced or otherwise dealt with by a United Court in the same Way as if it had been originally made therein.

PART XI.

MISCELLANEOUS CLAUSES.

Authority of Archbishops and Bishops

72. For the Purposes of this Act, the Province of an Archbishop or the Diocese of an Archbishop or Bishop shall be taken to include every Place or District, exempt or peculiar, subject to the Authority of such Archbishop or Bishop for the Purposes of an Act passed in the Fifth Year of His late Majesty King George the Fourth, intituled "An Act to consolidate and amend the Laws for enforcing the "Residence of Spiritual Persons on their Benefices; to restrain "Spiritual Persons from carrying on Trade or Merchandise; and for "the Support and Maintenance of Stipendiary Curates in Ireland."

in exempt Jurisdictions.

5 G. 4. c. 91.

73. The Registrar or Deputy Registrar or other Officer of each Registry which shall be united to a Registry shall transmit to the United Registry, at such Time and in such Manner as may be directed by the Rules and Orders, all Letters Patent, Records, Deeds, Processes, Acts, Proceedings, Compositions, Lists, Books, Marriage Notice Books, Documents, Faculties, Licences, Consecrations, Instruments relating to Pews in Churches or Chapels, or to the building or Dilapidations of Ecclesiastical Residences, Sequestrations, or any other Instrument or Document now in such Diocesan Registry of which he is the Registrar or Deputy Registrar.

Transmission of Records to the United Registries.

74. If any Person steal or wilfully deface, destroy, or injure any Letters Patent, Records, Deeds, Processes, Acts, Proceedings, Compositions, Lists, Books, Marriage Notice Books, Documents, Faculties, Licences, Consecrations, Instruments relating to Pews in Churches or Chapels, or to the building or Dilapidations of Ecclesiastical Residences, Sequestrations, or any other Instrument or Document filed or deposited in any United Registry, he shall be guilty of Felony, and shall upon Conviction be liable to Imprisonment for any Term not exceeding Three Years, with or without Hard Labour.

Stealing or defacing Records.

75. All Fees, Official Charges, and Costs for Business transacted in the Provincial and United Courts and United Registries, and all Fees and Documents filed therein, and all Fees payable for Marriage Licences, and at Visitations, and all Fees which after this Act comes into operation shall become due and payable to every Vicar General of a Provincial Court, Vicar General of a United Court, Surrogate, Registrar, and Apparitor, shall, except otherwise directed by the Rules and Orders, be paid to the several Registrars of the United Registries, and may be by such Registrars recovered before the Chairman of the County Quarter Sessions within whose Circuit the Office of the Registry may be situated, or may be recovered by them as such Fees are now recoverable.

Application of Fees, &c.

Official Charges, &c. may be recovered before the Chairman of the County Quarter Sessions.

76. The Accounts of the Receipts and Disbursements of the Provincial and United Courts and of the Provincial and United Registries,

Accounts of Courts and Registries to be audited.

Registries, and all other Receipts and Disbursements under this Act, shall be audited in such Manner as shall be directed by the Rules and Orders; and the said Archbishops shall appoint an Auditor of such Accounts, and may remove such Auditor, and fix the Amount to be paid to him in respect of every such Audit, which shall be defrayed out of the Funds at the Disposal of the Ecclesiastical Commissioners for Ireland.

Annual Report of Business transacted by the Court, and of the Receipts and Disbursements, to be laid before the Lord Lieutenant in Council.

77. The Registrars of the Provincial and United Registries shall annually make and send a Report to the Lord Lieutenant in Council of the Business transacted in the Provincial and United Courts and in the Provincial and United Registries, and also an Abstract of the Receipts and Disbursements of their respective Courts and Registries during such Period.

PART XII.

APPEALS FROM THE UNITED COURTS TO THE PROVINCIAL COURTS.

Appeals from the United Courts to the Provincial Courts.

78. In any Suit or other Proceeding before a United Court there shall be no Appeal, without the special Leave of such Court, from any interlocutory Decree or Order thereof not having the Force of a definitive Sentence, until a definitive Sentence shall have been pronounced thereon; but when a definitive Sentence has been pronounced, any Party appealing therefrom may also appeal from such interlocutory Decree or Order.

Provincial Court may affirm, modify, or amend Order appealed against.

79. The Provincial Court may affirm, modify, or amend the Decree or Order appealed against, or make such other Order in the Premises as it thinks just.

How Appeals from a United Court shall be made.

80. Every Appeal from a United Court to a Provincial Court shall be made by suing out Letters of Request from the Bishop to the Provincial Court, having annexed thereto a Transcript of the Record in the Cause, the Proceedings thereon, the documentary Evidence, any Decision of the Court upon any Question of Law, with the Notes of the Evidence, and no other Evidence shall be received before the Provincial Court.

No Appeal from the Judgment of

81. In any Suit or other Proceeding there shall be no Appeal from a Provincial Court, without the special Leave of such Court, from any interlocutory Decree or Order thereof not having the Force of a definitive Sentence, until a definitive Sentence shall have been pronounced therein; but when any definitive Sentence has been pronounced either in a Provincial or a Diocesan Court, any Party appealing therefrom may also appeal from such interlocutory Order or Decree.

a Provincial Court from interlocutory Decrees not having the Force of a definitive Sentence.

Ecclesiastical Courts and Registries (Ireland).

A

BILL

INTITULED

An Act for the Union of the Diocesan Courts and Registries in Ireland; for the Regulation of the Mode of Procedure therein, and also in the Provincial Courts of Armagh and Dublin; and for Appeals therefrom.

(*Brought from the Lords 23 June* 1864.)

Ordered, by The House of Commons, *to be Printed,*
24 *June* 1864.

[Bill 174.]

Under 5 oz.

12 *February* 1864. 27 Vict.

A

BILL

TO

Amend the Law relating to Election Petitions.

Preamble.

WHEREAS it is expedient to amend the Law relating to Election Petitions: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act, &c.

1. This Act may be cited as "The Election Petitions Act, 1864," and shall be construed with and as Part of "The Election Petitions Act, 1848," herein-after termed the Principal Act.

Provision as to Conditions of Recognizance.

2. The Recognizance to be entered into as provided for by the Principal Act shall be conditioned not only for the Payment of all Costs and Expenses in such Act mentioned as payable by the Person subscribing the Petition, but also for the Payment of all Costs and Expenses payable by such Person under the Provisions herein-after contained; and in lieu of the Form of Recognizance authorized by the Principal Act, such Recognizance may be in the Form or to the Effect set forth in the Schedule to this Act, with such Alteration as may be necessary to adapt such Form to the Circumstances of each Case.

Appointment of "Election Petitions Withdrawal Committee."

3. The General Committee of Elections shall, at the Commencement of each Session and before the Formation of the Chairman's Panel, select out of the List mentioned in the Forty-first Section of the Principal Act Five Members to serve on a Standing Committee, to be called "The Election Petitions Withdrawal Committee," and every such Member shall be disqualified for being placed on the Chairman's Panel and excused from serving upon any Election Committee during the Remainder of the Session; and all the Provisions of the Principal Act, with reference to the Period during which Members shall continue upon the Chairman's Panel and to the Mode of filling up Vacancies therein, shall, mutatis mutandis, apply to the Service of Members upon "The Election Petitions Withdrawal Committee," and the filling up of Vacancies therein; but no Member who has served upon any Election Committee during the Session shall be appointed a Member of the Election Petitions Withdrawal Committee if he be unwilling to serve; and no Member shall act upon such Committee until he have been sworn at the Table of the House by the Clerk, truly and faithfully to perform the Duties belonging to a Member of the said Committee, to the best of his Judgment and Ability, without Fear or Favour.

Names of Members to be reported.

4. The Name of every Member appointed to serve on the Election Petitions Withdrawal Committee shall be reported to the House.

No Petition to be withdrawn except as provided for by this Act.

5. When an Election Petition has been presented to the House of Commons, it shall not be withdrawn, except in compliance with the Conditions and Provisions herein-after contained; and the Eighth Section of the Principal Act is hereby repealed.

Proceedings in case of Intention to withdraw Petition.

6. When any Petitioner is desirous to withdraw an Election Petition he shall give Notice in Writing under his Hand, or under the Hand of his Agent, to the sitting Member or his Agent, and also to any Party who may have been admitted to oppose the Prayer of such Petition, that he does not desire to proceed with the Petition, and shall also give a like Notice to the Speaker, and the Speaker shall inform the House that he has received such Notice, and thereupon the Order for referring such Petition to the General Committee of Elections shall be discharged, and such Petition and such Notice shall be referred, without Debate, by the House to "The Election Petitions Withdrawal Committee;" and if such Notice of Withdrawal has been given in respect of any Petition which has been bracketed together with any other Petition or Petitions under the Forty-eighth Section of the Principal Act, all Proceedings of the General Committee of Elections in reference to such last-mentioned Petition or Petitions shall be suspended until after the Report of the Election Petitions Withdrawal Committee in respect of such first-mentioned Petition.

Duties of Election Petitions Withdrawal Committee.

7. It shall be the Duty of the said Committee to inquire into the Circumstances under which such Notice of Withdrawal was given, and to report to the House whether in their Opinion reasonable Grounds have been shown for the Withdrawal of such Petition, and it shall be lawful for such Committee, if they think fit, to make a special Report with reference to any Matters which have come before them in their Inquiry.

Meetings of Election Petitions Withdrawal Committee.

8. When any Petition and such Notice shall have been so referred, the Speaker shall appoint the Time and Place of the First Meeting of "The Election Petitions Withdrawal Committee," to consider the same; and such Committee shall meet at the Time and Place so appointed; and thereupon the Sittings and Adjournments of such Committee shall, until after the making of their Report with respect to the Petition then under Inquiry, be regulated by, and be subject to the Provisions and Restrictions that are contained in the Seventy-third Section of the Principal Act, with respect to the Sittings and Adjournments of an Election Committee.

No Member to absent himself.

9. No Member of such Committee shall absent himself from the same without Leave obtained from the House, or an Excuse allowed by the House at the next Sitting thereof for the Cause of Sickness, verified upon the Oath of his Medical Attendant, or for other special Cause shown and verified upon Oath; and in every such Case the Member to whom such Leave is granted or Excuse allowed shall not be entitled again to sit or vote on such Committee with respect to the Petition then under Inquiry; and such Committee shall never sit until all the Members to whom such Leave has not been granted nor Excuse allowed are met; and in case all such Members do not meet within *One Hour* after the Time appointed for the First Meeting of such Committee, or within *One Hour* after the Time to which such Committee has been adjourned, a further Adjournment shall be made and reported to the House by their Chairman, with the Cause thereof.

Proceedings to be taken on Report of Member's Absence.

10. Every Member whose Absence, without Leave or Excuse, is so reported, shall be directed to attend the House at its next Sitting, and shall then be ordered to be taken into the Custody of the Serjeant-at-Arms attending the House for such Neglect of his Duty, and shall be otherwise punished or censured at the Discretion of the House, unless it appears to the House by Facts specially stated and verified upon Oath that such Member was, by a sudden Accident or by Necessity, prevented from attending the said Committee.

Powers of Committee.

11. The said Committee, at their First Meeting, for the Purpose of each Inquiry under this Act, shall elect One of themselves to be Chairman, and shall for the Purpose of such Inquiry possess, and are hereby authorized to exercise according to their Discretion, all and every the Powers and Authorities which are possessed or may be exercised by a Committee appointed to try an Election Petition; and every Witness who may be examined by such Committee shall be entitled to all the Privileges and Indemnities which he would have been entitled to if examined on the Trial of an Election Petition.

Giving false Evidence to be Perjury.

12. Every Person who wilfully gives false Evidence before any such Committee during any Inquiry under the Provisions of this Act shall, on Conviction thereof, be liable to the Penalties of wilful and corrupt Perjury.

Proceeding in case of Death or necessary Absence of a Member.

13. In case of the Death or necessary Absence of One or Two Members of "The Election Petitions Withdrawal Committee" during any such Inquiry, the remaining Members shall thenceforward, until after the making of their Report, constitute the Committee; and if ever there be Occasion for electing a new Chairman on the Death or necessary Absence of the Chairman first appointed, the remaining Members of the Committee shall elect One of themselves to be Chairman for the Purpose of such Inquiry; and if in that Election there be an equal Number of Voices, the Member whose Name stands foremost in the List of the Committee as reported to the House shall have a Second or Casting Vote.

Committee reduced to Three to be reconstituted.

14. If the Number of Members able to attend such Committee during any such Inquiry be, by Death or otherwise, unavoidably reduced to less than *Three*, and so continue for the Space of *Three* sitting Days, all the Proceedings of such Committee with reference to such Inquiry shall be void and of no Effect, and the Vacancies in such Committee shall be filled up as soon as conveniently may be after the Occasion arises, and thereupon the said Inquiry shall commence afresh before such Committee.

Speaker to appoint Agent in certain Cases.

15. If the said Committee shall in the course of their Inquiry signify in Writing to the Speaker that they cannot properly investigate the Matter referred to them without the Assistance of an Agent, the Speaker shall thereupon nominate an Agent to prosecute such Investigation before such Committee.

Agent to certify to the Treasury the Amount of Money required for Prosecution.

16. *Upon the Prosecution of any Inquiry under the Authority of this Act by an Agent appointed by the Speaker as aforesaid, every such Agent is hereby authorized from Time to Time to certify under his Hand to the Commissioners of Her Majesty's Treasury what Sums of Money are required to meet the necessary Expenses for effectually prosecuting the said Inquiry, including the Sums proper and necessary to be paid to and for the Witnesses who may be required to attend the Inquiry, and the said Commissioners shall be authorized to advance to the said Agent, from Time to Time, such Sum as shall be needed for the Purposes aforesaid, which Sums, or so much thereof as shall be levied for the Payment of Costs as herein-after provided, shall be reimbursed by the said Agent to the said Commissioners.*

Provision as to Withdrawal.

17. After the Expiration of *Ten* Days from the Presentation to the House of the Report of such Committee, such Petition shall be withdrawn, unless the House shall in the meantime make any other Order with respect to such Petition, or as to the Time of the Withdrawal thereof.

Provision as to Costs in Cases of Withdrawal.

18. In every Case of Withdrawal, unless such Committee shall otherwise order and report, the Petitioner shall be liable to the Payment of such Costs and Expenses as have been incurred, up to the Time of the giving such Notice of Withdrawal, by the sitting Member or other Party complained of in such Petition, and also by any Party admitted to oppose the Prayer of such Petition to be taxed as provided by the Principal Act.

Petitioner in certain Cases to be liable for Costs of Inquiry.

19. The Costs and Expenses occasioned in and about any Inquiry under the Authority of this Act shall be paid by the Petitioner, unless the said Committee shall report that, in their Opinion, reasonable Grounds have been shown for the Withdrawal of the Petition, and for such Costs and Expenses not being borne by the Petitioner, or that the Costs of such Inquiry, or any Part thereof, should be paid by some other Person as herein-after provided; and all Costs and Expenses payable by the Petitioner shall be ascertained and recovered in the same Manner as the Costs and Expenses mentioned in the Principal Act as so payable.

In case of corrupt Bargain, guilty Party to be liable to Costs.

20. In case it shall be proved to the Satisfaction of the Committee that any Person other than the Petitioner has been concerned in any Negotiation for the Withdrawal of the Petition, it shall be lawful for the Committee, in their Discretion, unless the Committee shall report that reasonable Grounds have been shown for such Withdrawal, to order and report that the Costs of such Inquiry, or any Part of them, shall be paid by such Person, provided that such Person shall have been first duly heard by the said Committee; and in that Case the Provisions of the Fifteenth, Sixteenth, Seventeenth, and Eighteenth Sections of an Act passed in the Fifth and Sixth Years of Her Majesty's Reign, Chapter One hundred and two, intituled "An Act for the better Discovery and Prevention of "Bribery and Treating at the Election of Members of Parliament," shall, so far as the same are applicable, apply to the certifying and recovering of the Costs in this Section mentioned.

Trusts of Monies paid into the Bank of England in lieu of Recognizances.

21. All Monies paid into the Bank of England to the Account of the Speaker and the Examiner of Recognizances under the Provisions of the Principal Act shall be held by them as Trustees for the Purposes for which the Recognizance is required by this Act as well as by the Principal Act.

Second Committee to be appointed in certain Cases.

22. If at any Time after the Appointment of any such Committee it shall appear to the General Committee of Elections that such Committee will be unable, within reasonable Time, to inquire into and report upon all the Cases of Withdrawal that have arisen, another Committee shall be appointed, to be called "The Election Petitions Withdrawal Committee, No. 2," exactly in the same Manner as the Committee before mentioned, which shall then be called "The Election Petitions Withdrawal Committee, No. 1," and each of such Committees shall be deemed the Election Petitions Withdrawal Committee within the Meaning of this Act, and in case of any Appointment of such Second Committee all Notices of Withdrawal not then inquired into shall, according to Priority of Date, be inquired into alternately by such Committees.

Provision as to Election Petition Agents.

23. Every Agent appointed by any Party to conduct or oppose an Election Petition shall be first admitted as a Parliamentary Agent, and shall be subject to such Regulations as may be from Time to Time made by the Speaker for the Conduct of Business in Parliament by Parliamentary Agents.

SCHEDULE.

FORM OF RECOGNIZANCE.

Be it remembered, That on the Day of in the Year of our Lord 186 , before me, *A.B.*, Esquire [Examiner of Recognizances for the House of Commons, *or* One of Her Majesty's Justices of the Peace for the of], came , and acknowledged himself [*or* severally acknowledged themselves] to owe to our Sovereign Lady the Queen the Sum of One thousand Pounds [*or* the following Sums, (that is to say,) the said the Sum of , the said the Sum of , the said the Sum of , the said the Sum of], to be levied on his [*or* their respective] Goods and Chattels, Lands and Tenements, to the Use of our said Sovereign Lady the Queen, Her Heirs and Successors.

The Condition of this Recognizance is, that if [*here insert the Names of all the Petitioners, and, if more than One, add,* or any of them,] shall well and truly pay all Costs and Expenses in respect of the Election Petition signed by him [*or* them] relating to the [*here insert the Name of the Borough, City, or County*], which shall become payable by the said Petitioner [*or* Petitioners], by virtue of the Certificate of the Speaker of the House of Commons, to any Person named in such Certificate, under the Provisions of "The Election Petitions Act, 1848," or of "The Election Petitions Act, 1863," then this Recognizance to be void, otherwise to be of full Force and Effect.

Election Petitions.

A

B I L L

To amend the Law relating to Election Petitions.

(*Prepared and brought in by*
Mr. Hunt and Mr. Knightley.)

Ordered, by The House of Commons, *to be Printed*,
12 *February* 1864.

[Bill 17.]

Under 1 *oz.*

A

B I L L

TO

Amend "The Election Petitions Act, 1848," in certain Particulars.

Preamble.

WHEREAS it is expedient to amend "The Election Petitions Act, 1848," (herein-after called the Principal Act,) in certain Particulars hereafter mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Committee to adjourn to Day after the Meeting of the House when House not sitting, and Committee has Occasion to report.

1. If any Select Committee appointed under the Principal Act have Occasion to apply to or report to the House, and the House be adjourned for more than Twenty-four Hours, such Committee shall adjourn to the Day immediately following that on which the House shall be appointed to meet for the Despatch of Business, unless that Day shall happen to be a Sunday, Christmas Day, or Good Friday, and in that Case the Committee shall adjourn to the next following Day.

In case the House shall not sit Committee further to adjourn.

2. In case the House from any Cause shall happen not to sit for the Despatch of Business on the Day appointed for that Purpose, the Committee shall again, and so from Time to Time, adjourn till after the House shall sit for the Despatch of Business; but no Adjourn-

ment

ment shall be made for any longer Period than to the Day next after the Day the House shall actually sit for the Despatch of Business, unless such Day shall happen to be a Sunday, Christmas Day, or Good Friday, and in that Case the Adjournment shall be to the next following Day.

In certain Cases the House may direct a Committee to adjourn for a reasonable Period.

3. In case it shall become necessary to adjourn the Consideration of any Application or Report made by any Committee to the House, the House may, if it shall so think fit, direct the Committee to adjourn their Sitting again, and from Time to Time, and for such reasonable Time as shall be sufficient to enable the House to decide on such Application and Report, and such Committee shall adjourn accordingly.

If Committee dissolved by any Fatality, new Committee shall be struck, unless the House shall otherwise order.

4. If at any Time after the Appointment of a Committee under the Principal Act it shall appear to the House from any Fatality or other Matter such Committee has become dissolved, or unable to continue its Sittings for any Cause not provided for by the Principal Act, another Committee shall be appointed to decide on the Petition referred to such Committee, unless the House shall otherwise order, within Three sitting Days, as herein-after provided; and for the Purpose of appointing such other Committee the General Committee and the Members of the Chairmen's Panel shall meet as soon as conveniently can be after the Expiration of *Three sitting Days* from the Time the Occasion for such new Committee shall be reported to or brought under the Notice of the House by any Member, at a Day and Hour to be appointed by the General Committee; and Notice of such Meeting shall be published with the Votes, and all the Proceedings of such former Committee shall be of no Effect.

House may order a dissolved Committee to be revived, and to re-assemble and act.

5. In all Cases where a Committee shall have become dissolved by any Irregularity or Fatality not involving the Death or permanent Illness of any of its Members, the House may, if it shall so think fit, within *Three sitting Days* after such Fatality or Irregularity shall have been reported to or brought under the Notice of the House by any Member, order such Committee to stand revived, and to meet, and continue its Sittings; and in such Case no new Committee shall be appointed, unless for any subsequent Fatality or other Cause; and the Proceedings of such new Committee shall have the same Force and Effect and be as valid as if no Fatality or Irregularity had taken place.

6. A Com-

6. A Committee ordered to stand revived shall meet at the Time mentioned in such Order, and shall in its subsequent Sittings and Adjournments be regulated by all the Provisions of the Principal Act and of this Act.

Revived Committee to meet when ordered and to continue its Sittings as before.

Election Petitions Act (1848) Amendment.

A

B I L L

To amend "The Election Petitions Act, 1848," in certain Particulars.

(Prepared and brought in by
Sir Colman O'Loghlen and Mr. Adair.)

Ordered, by The House of Commons, *to be Printed,*
29 *June* 1864.

[Bill 182.]

Under 1 *oz.*

A

BILL

FOR

Raising a Sum by Exchequer Bonds for the Service of the Year One thousand eight hundred and sixty four.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

Treasury may raise 1,600,000*l.* by Exchequer Bonds.

1. Towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and sixty-four, it shall be lawful for the Commissioners of Her Majesty's Treasury at any Time or Times, but not later than the Thirty-first Day of March One thousand eight hundred and sixty-five, to cause any Number of Exchequer Bonds to be made out at the Receipt of the Exchequer at Westminster for any Sum or Sums of Money not exceeding in the whole the Sum of *One million six hundred thousand Pounds*, and such Bond shall bear such Interest as shall be determined by the said Commissioners, not exceeding *Four Pounds* per Centum per Annum, and shall be paid off at Par at the Expiration of any Period or Periods not exceeding *Six Years* from the Date of such Bonds.

Interest on Bonds, and Repayment of Principal Money.

2. The Interest on such Bonds shall be paid half-yearly on such Days as shall be appointed by the said Commissioners, and shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof; and the Principal Monies secured by such Bonds shall be repaid out of such Money as shall be provided by Parliament in that Behalf.

Treasury may cause Exchequer Bonds to be prepared and issued.

3. The Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under their Hands, cause or direct the Exchequer Bonds to be issued under the Authority of this Act to be prepared for such Principal Sums, not less in any Case than *One hundred Pounds*, together with Receipts or Certificates specifying the Interest from Time to Time accruing thereon, to be made out in such Manner and Form and bearing such Date as shall be fixed by the said Commissioners; and such Exchequer Bonds and the Interest accruing thereon respectively shall be transferable by the Delivery of such Bonds, and of the Receipts or Certificates for such Interest thereon respectively; and the said Commissioners may from Time to Time, subject to the Provisions herein contained, prescribe and regulate how and by what Officer or Officers such Exchequer Bonds shall be signed or otherwise authenticated, and provide for the Manner of Payment of the Interest accruing thereon, and also for the Issue of new Bonds in lieu of any such Bonds worn or defaced which may be delivered up to be cancelled, and for the Issue of new Bonds in lieu of such Exchequer Bonds as may be lost, at such Times, upon such Securities, and under such Conditions and Precautions as they may think fit, and generally make such Regulations for the Safety and Convenience of the Holders of such Bonds, and the Payment of Interest upon the Production or Delivery of such Receipts or Certificates, or otherwise, as they may think fit; and the said Commissioners may, by such Regulations as aforesaid, provide, if they shall see fit, for the Registration of any such Bonds as may be delivered up by the Holders thereof for that Purpose, and for the Delivery of Certificates of such Registration in lieu thereof, which shall be transferable by Entries in a Register which may be provided for that Purpose in such Manner and subject to such Conditions and Restrictions as the said Commissioners may see fit, and every such Warrant shall from Time to Time be published in the London Gazette.

Application of Clauses 16, 17, 18, and 19 of 17 & 18 Vict. c. 23.

4. The several Sections Sixteen, Seventeen, Eighteen, and Nineteen of the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Twenty-three, shall apply and be construed to and in relation to the Exchequer Bonds to be prepared under the Authority of this Act, in like Manner as if such several Sections had been repeated and re-enacted in this Act.

Money raised to be paid to the Consolidated Fund.

5. All such Sums of Money as shall be raised by Exchequer Bonds to be made out in pursuance of this Act shall be paid to the Account of Her Majesty's Exchequer at the Bank of England, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Exchequer Bonds may be delivered to Persons authorized by the Treasury.

6. The Commissioners of Her Majesty's Treasury may direct the Comptroller General of the Exchequer from Time to Time to deliver such Amount of Exchequer Bonds made out in pursuance of this Act as the said Commissioners shall from Time to Time think fit, not exceeding in the whole the Sum of *One million six hundred thousand Pounds*, to such Person or Officer as may be named in any Warrant to be issued by the said Commissioners for such Purpose, and such Person or Officer shall thereafter become chargeable and be charged with such Amount of Exchequer Bonds as may be delivered to him, subject to such Directions as may be issued to him by the said Commissioners for the Sale thereof, and such Person or Officer shall be discharged from all Account in respect of such Exchequer Bonds on proving to the Satisfaction of the Commissioners for auditing the Public Accounts that he has duly obeyed the Directions of the said Commissioners of Her Majesty's Treasury: Provided always, that the said Commissioners shall not be authorized to direct the Issue of such Exchequer Bonds to such Person or Officer except for the Purpose of raising Money to be paid to the Account of Her Majesty's Exchequer at the Bank of England as aforesaid.

Bank of England may advance 1,600.000*l.* on the Credit of Bonds, and Commissioners of National Debt may invest Money on account of

7. It shall be lawful for the Governor and Company of the Bank of England to advance or lend to Her Majesty, upon the Credit of the Exchequer Bonds to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of *One million six hundred thousand Pounds* (anything in an Act passed in the Fifth and Sixth Years of the Reign of King William and Queen Mary, Chapter Twenty, or in any subsequent Act, to the contrary thereof in anywise notwithstanding); and also

Savings Banks in Purchase of Bonds.

also for the Commissioners for the Reduction of the National Debt to invest, in the Purchase of Exchequer Bonds issued under the Authority of this Act, any Money in their Hands on account of Savings Banks.

Exchequer Bonds (£1,600,000).

A

BILL

For raising a Sum by Exchequer Bonds for the Service of the Year One thousand eight hundred and sixty-four.

(Prepared and brought in by Mr. Massey, Mr. Chancellor of the Exchequer, and Mr. Peel.)

Ordered, by The House of Commons, *to be Printed,*
15 *July* 1864.

[Bill 217.]

Under 1 *oz.*

A

BILL

FOR

Continuing various expiring Acts.

WHEREAS the several Acts mentioned in the First Column of the Schedule hereto are wholly, or as to certain Provisions thereof, limited to expire at the Times specified in respect of such Acts in the Fourth Column of the said Schedule: And whereas it is expedient to continue such Acts, in so far as they are temporary in their Duration, for the Times mentioned in respect of such Acts respectively in the Fifth Column of the said Schedule: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: **Preamble.**

1. This Act may be cited for all Purposes as the "Expiring Laws Continuance Act, 1864." **Short Title of Act.**

2. The Acts mentioned in Column One of the said Schedule, and the Acts, if any, amending the same, shall, in so far as such Acts or any Provisions thereof are temporary in their Duration, be continued until the Times respectively specified in respect of such Acts in the Fifth Column of the said Schedule. **Continuance of Acts.**

SCHE-

SCHEDULE.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
3 & 4 Vict. c. 91. Linen, Hempen, Cotton, and other Manufactures (Ireland).	5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47.	Whole Act -	Five Years from the Date of 22 & 23 Vict. c. 25., *i.e.* 5 Years from the 13th August 1859.	*13th August 1869.*
10 & 11 Vict. c. 90. Poor Laws (Ireland).	14 & 15 Vict. c. 68.	As to Appointment of Commissioners, &c.	23d July 1864, and End of then next Session. (26 & 27 Vict. c. 95.)	*23d July 1865, and End of then next Session.*
10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	- - -	As to Provisions continued by 21 & 22 Vict. c. 50.	1st August 1863, and End of then next Session. (26 & 27 Vict. c. 95.)	*1st August 1865, and End of then next Session.*
11 & 12 Vict. c. 32. County Cess (Ireland).	20 & 21 Vict. c. 7.	Whole Act -	1st August 1864, and End of then next Session. (26 & 27 Vict. c. 95.)	*1st August 1865, and End of then next Session.*
11 & 12 Vict. c. 107. Sheep and Cattle diseased.	16 & 17 Vict. c. 72.	Whole Act -	1st August 1864, and End of then next Session. (26 & 27 Vict. c. 95.)	*1st August 1865, and End of then next Session.*
14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124.	Whole Act -	1st January 1864, and End of then next Session. (26 & 27 Vict. c. 95.)	*1st January 1865, and End of then next Session.*
17 & 18 Vict. c. 117. Incumbered Estates (West Indies).	21 & 22 Vict. c. 96. 25 & 26 Vict. c. 45.	As to Appointment of Commissioners.	2d August 1863, and End of then next Session. (21 & 22 Vict. c. 96.)	*2d August 1865.*
24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	- - -	As to Appointment of Inspectors, s. 31.	1st October 1864 -	*1st October 1865.*

Expiring Laws Continuance.

A

BILL

For continuing various expiring Acts.

(Prepared and brought in by
Mr. Baring and Mr. Peel.)

Ordered, by The House of Commons, *to be Printed,*
5 *July* 1864.

[Bill 193.]

Under 1 *oz.*

A

BILL

INTITULED

An Act to provide additional Facilities for the Performance of Divine Service for certain Collegiate Schools and Colleges in Communion with the United Church of England and Ireland.

WHEREAS divers Collegiate Schools or Colleges have been and hereafter may be incorporated for the Purpose of affording Instruction in useful Learning, and in the Doctrines and Duties of Christianity as received, understood, and taught by the United Church of England and Ireland: And whereas it would in many Cases greatly conduce to the Spiritual Interests of the Members of such Collegiate Schools and Colleges, and of the Scholars and other Persons instructed or employed therein or connected therewith, if the Cure of their Souls were confided to duly qualified Members or Masters of such Collegiate Schools and Colleges, and if additional Facilities were afforded to them for the Performance of Divine Worship: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation Clause.

1. In the Construction of this Act the Words "Collegiate School or College" shall signify any School which has been or may hereafter be incorporated by Her Majesty, Her Predecessors or Successors, under Letters Patent or Royal Charter of Incorporation, or by Act of Parliament, for the Purposes of Instruction in religious and useful Learning, in accordance with the Doctrines of the United Church of England and Ireland; the Words "Governing Body" as applied to any Collegiate School or College shall mean the Person or Persons in whom the Government of such Collegiate School or College is or shall be for the Time being vested, according to the true Construction of the Letters Patent, Charter, or Act incorporating the same, and the Statutes or other Documents (if any) therein referred to; the Word "Master" shall include Wardens, Principals, Head and other Masters, and all other Persons to whom shall appertain the chief Superintendence and Management of or the Duties of Instruction in any Collegiate School or College; the Words "the Bishop" shall mean the Bishop of the Diocese in which such Collegiate School or College is situate; the Words "the Diocese" and "the Parish" shall respectively mean the Diocese and the Parish or Parochial District in which such Collegiate School or College is situate; and the Words "the Rector" and "the Vicar" shall respectively mean the Rector and the Vicar or other the Incumbent of such Parish or Parochial District, and having the Cure of Souls therein: Provided always, that in any Case where the Buildings and Premises forming the Site of any Collegiate School or College shall be situate in Two or more Dioceses, or in Two or more Parishes, such Collegiate School or College shall for the Purposes of this Act be considered to be wholly situate within the Diocese or Parish (as the Case may be) which comprises the Chapel or Room used for a Chapel belonging to such Collegiate School or College.

Building may be set apart for Divine Service with Bishop's Licence for Members of the College, and be exempt from Control of Incumbent.

2. The Governing Body of any Collegiate School or College may, from Time to Time, by Writing under the Common Seal, appropriate and set apart any suitable Room or Building, forming Part of or attached or near to the same, and being situate within the Diocese and Parish, to be approved under his Hand and Seal by the Bishop of the Diocese, for the following Purposes; that is to say, for the Performance of Divine Service, and for preaching and administering the Sacrament of the Lord's Supper, for the Benefit of the Members of such Collegiate School or College, and of all other Persons belonging thereto or instructed or resident therein, and none others; and the same shall, when so approved, be exempt from all Control, Interference, Ministration, or User by or on the Part of the Rector or Vicar.

Parish Church may be used as College Chapel, with Consent of Incumbent.

3. The Governing Body of any Collegiate School or College may, if the Rector or Vicar shall in Writing signify to the Bishop his Consent thereto, and the Bishop shall approve so long as such Consent and Approbation are not withdrawn, for the Purposes aforesaid, have the Use of the Parish Church at all Times at which such Use of the same will not interfere with the Services performed therein for the Benefit of the Parishioners.

The same as respects Chapel of Ease or District Church.

4. The Governing Body of any Collegiate School or College may, with the like Consents of the Bishop and of the Incumbent or Minister for the Time being of any Church or Chapel used for Celebration of Divine Service according to the Ritual of the United Church of England and Ireland within the Parish (other than the Parish Church), have the Use of such Church or Chapel for the several Purposes aforesaid at all Times at which the Use of the same will not interfere with the Services performed therein for the Benefit of the Parishioners.

Bishop may license Masters of College to minister.

5. The Bishop may, at the Request of the Governing Body, and either with or without the Consent of the Rector or Vicar, license any One or more Master or Masters (being in Priests Orders) to perform the Services aforesaid, and administer the said Sacrament, with such Consent as aforesaid where the Services are to be performed in the Parish Church or Parochial Chapel, and the Master or Masters so licensed shall in respect to such Performance and Administration be exempt from all Control and Interference on the Part of and from all Responsibility to the Rector and Vicar; the Money given at the Offertory in any Parish Church or Parochial Chapel used under the Provisions of this Act shall be disposed of according to the Order in the Rubric at the Close of the Communion Office; and the Money given in any Chapel or Room used as a Chapel within the School or College shall be disposed of to such pious and charitable Uses as the licensed Priest and Governing Body shall think fit, wherein if they disagree it shall be disposed of as the Ordinary shall appoint.

Rights of Incumbents as to Baptisms, &c. not to be affected.

6. Provided always, That nothing in this Act contained shall alter or affect the Right of the Rector or Vicar with respect to the Performance of the Offices of Baptism, Marriage, Churching, and Burial, or any of them.

Facilities for Divine Service in Collegiate Schools.

A

B I L L

INTITULED

An Act to provide additional Facilities for the Performance of Divine Service for certain Collegiate Schools and Colleges in Communion with the United Church of England and Ireland.

(*Brought from the Lords* 13 *July* 1864.)

Ordered, by The House of Commons, *to be Printed,*
14 *July* 1864.

[Bill 208.]

Under 1 *oz.*

Factory Acts Extension Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

Short Title of Act; Sect. 1.

Application of Act; 2.

Definitions; 3.

Sanitary Measures.

Factory to be well cleansed and ventilated; 4.

Special Rules.

Special Rules for Regulation of Workmen in Factories; 5.

Application of Factory Acts.

Incorporation of Factory Acts; 6.

Recovery and Application of Penalties; 7.

SCHEDULES.

17 *March* 1864. 27 VICT.

A

BILL

FOR

The Extension of the Factory Acts.

WHEREAS it is expedient to provide for the effectual cleansing and Ventilation of the Factories in which are carried on the Manufactures and Employments specified in the First Schedule hereto, and for the Regulation of the Labour of the Children, Young Persons, and Women employed therein: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

1. This Act may be cited for all Purposes as the "Factory Acts Extension Act, 1864." Short Title of Act.

2. This Act shall apply only to the several Manufactures and Employments mentioned in the said First Schedule. Application of Act.

3. The Factory Acts shall mean such Provisions as are now in force of the Acts following; that is to say, Definitions.

An Act passed in the Fourth Year of the Reign of His late Majesty, Chapter One hundred and three, intituled "An Act "to regulate the Labour of Children and Young Persons in the "Mills and Factories of the United Kingdom."

An Act passed in the Seventh Year of the Reign of Her present Majesty, Chapter Fifteen, intituled "An Act to amend the "Laws relating to Labour in Factories."

An Act passed in the Fourteenth Year of the Reign of Her present Majesty, Chapter Fifty-four, intituled "An Act to "amend the Acts relating to Labour in Factories."

An Act passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter One hundred and four, intituled "An Act further to regulate the Employment of Children in "Factories."

An Act passed in the Twentieth Year of the Reign of Her present Majesty, Chapter Thirty-eight, intituled "An Act "for the further Amendment of the Laws relating to Labour in "Factories."

Sanitary Measures.

Factory to be well cleansed and ventilated.

4. Every Factory to which this Act applies shall be kept in a cleanly State, and be ventilated in such a Manner as to render harmless so far as is practicable any Gases, Dust, or other Impurities generated in the Process of Manufacture that may be injurious to Health.

If the Occupier of any Factory fails to keep the same in conformity with this Section, he shall be deemed to be guilty of an Offence against this Act, and to be subject in respect of such Offence to a Penalty not exceeding Ten Pounds nor less than Three Pounds.

The Court having Jurisdiction under this Act may, in addition to or instead of inflicting any Penalty in respect of an Offence under this Section, make an Order directing that within a certain Time to be named in such Order certain Means are to be adopted by the Occupier for the Purpose of bringing his Factory into conformity with this Section; the Court may upon Application enlarge any Time appointed for the Adoption of the Means directed by the Order, but any Non-compliance with the Order of the Court shall, after the Expiration of the Time as originally limited or enlarged by subsequent Order, be deemed to be a continuing Offence, and to be punishable by a Penalty not exceeding One Pound for every Day that such Non-compliance continues.

Special Rules.

Special Rules for Regulation of Workmen in Factories.

5. In order to prevent the Requirements of this Act as to Cleanliness and Ventilation in a Factory being infringed to the Detriment of the Occupier by the wilful Misconduct or wilful Negligence of the

Workmen employed therein, it shall be lawful for the Occupier of any Factory to make Special Rules for compelling the Observance amongst his Workmen of the Conditions necessary to insure the required Degree of Cleanliness and Ventilation, and to annex to any Breach of such Rules a Penalty not exceeding One Pound.

The Special Rules made in pursuance of this Section shall not be of any Validity until they have been approved by One of Her Majesty's Principal Secretaries of State.

Printed Copies of the Special Rules in force in any Factory shall be hung up in a legible Condition in Two or more conspicuous Places in the Factory, and a printed Copy shall be supplied to any Person employed in the Factory who may apply for a Copy.

A printed Copy of the Special Rules for the Time being in force in any Factory certified under the Hand of the Inspector for the Time being having Jurisdiction over such Factory shall be Evidence of such Rules, and of their having been approved by the said Secretary of State, and it shall be the Duty of the above-mentioned Inspector to certify Copies of Special Rules when required.

Application of Factory Acts.

6. The Factory Acts shall be incorporated with this Act, and shall apply to the several Manufactures and Employments mentioned in the said First Schedule, with the Qualifications and subject to the Additions herein-after mentioned:

Incorporation of Factory Acts.

(1.) The Term "Factory" as used in this Act and in the Acts incorporated herewith shall mean in respect of the Manufactures and Employments to which this Act applies the Premises in that Behalf specified in the Second Schedule annexed to this Act, but all other Terms in this Act shall have the same Meaning as is assigned to them in the Factory Acts:

(2.) During the First Six Calendar Months next ensuing the passing of this Act Children of not less than Eleven Years of Age may be employed for the same Time, and subject to the same Conditions, for and subject to which Young Persons exceeding Thirteen Years of Age may be employed in pursuance of the said Factory Acts:

(3.) During the First Thirty Calendar Months next ensuing the passing of this Act Children of not less than Twelve Years of Age may be employed for the same Time, and subject to the same Conditions, for and subject to which Young Persons exceeding Thirteen Years of Age may be employed in pursuance of the said Factory Acts:

(4.) In the Manufacture of Lucifer Matches no Child, Young Person, or Woman shall be allowed to take his or her Meals in any Part of the Factory where any Manufacturing Process (except that of cutting the Wood) is usually carried on; and any Child, Young Person, or Woman who is allowed to take his or her Meals in any Part of the Factory in contravention of the said Provision shall be deemed to be employed contrary to the Provisions of the Factory Acts:

(5.) In the Employment of Fustian Cutting no Child shall be allowed to commence Work until the Attainment of the Age of Eleven Years; and any Child who is allowed to commence Work in the Employment of Fustian Cutting before the said Age of Eleven Years shall be deemed to be employed contrary to the said Factory Acts:

(6.) During the First Eighteen Calendar Months next ensuing the passing of this Act so much of the said Factory Acts as provide that during any Time allowed for Meals no Child, Young Person, or Woman shall be employed or allowed to remain in any Room in which any manufacturing Process is carried on, and that all the Young Persons employed in a Factory shall have the Time for Meals at the same Period of the Day, shall not apply to the Employment of Paper Staining, or to the Manufacture of Earthenware.

Recovery and Application of Penalties.

7. All Penalties under this Act, including Penalties for Breach of a Special Rule, shall be recoverable and applied in manner in which Penalties are recoverable and applicable under the said Factory Acts, and the Term "Court" as used in this Act shall include any Justices, Sheriff, or other Magistrate having Jurisdiction in respect of such Penalties.

SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

Manufactures and Employments to which Act applies.

The Manufacture of Earthenware, except Bricks and Tiles, not being ornamental Tiles.

The Manufacture of Lucifer Matches.

The Manufacture of Percussion Caps.

The Manufacture of Cartridges.

The Employment of Paper Staining.

The Employment of finishing, hooking, lapping, making-up, or packing any Yarn or Cloth of Cotton, Wool, Silk, or Flax, or any of them, or any Mixture of them, or any Yarn or Cloth or any other Material or Materials in the Class of Works known by the Name of Shipping Warehouses, or in those of Finishers, or in those of Makers-up and Packers.

The Employment of Fustian Cutting.

SECOND SCHEDULE.

Definition of the Word "Factory."

In the Manufacture of Earthenware, except as aforesaid:

Any Place in which Persons work for Hire in making or assisting in making, finishing or assisting in finishing, Earthenware of any Description.

In the Manufacture of Lucifer Matches:

Any Place in which Persons work for Hire in making Lucifer Matches, or in mixing the Chemical Materials for making them, or in any Process incidental to making Lucifer Matches, except the cutting of the Wood.

In the Manufacture of Percussion Caps:

Any Place in which Persons work for Hire in making Percussion Caps, or in mixing or storing the Chemical Materials for making them, or in any Process incidental to making Percussion Caps.

In the Manufacture of Cartridges:

Any Place in which Persons work for Hire in making Cartridges, or in any Process incidental to making Cartridges, except the Manufacture of the Paper or other Material that is used in making the Cases of the Cartridges.

In the Employment of Paper Staining:

Any Place in which Persons work for Hire in printing a Pattern in Colours upon Sheets of Paper either by Blocks applied by Hand, or by Rollers worked by Steam, Water, or other Mechanical Power.

In the Employments of finishing, hooking, lapping, making up, or packing:

Any Place in which Persons work for Hire in the Employments of finishing, hooking, lapping, making-up, or packing any Yarn or Cloth of Cotton, Wool, Silk, or Flax, or any of them, or any Mixture of them, or any Yarn or Cloth of any other Material or Materials in the Class of Works known by the Name of Shipping Warehouses, or in those of Finishers, or in those of Makers-up and Packers.

In the Employment of Fustian Cutting:

Any Place in which Persons work for Hire in Fustian Cutting.

For the Purposes of this Act an Apprentice shall be deemed to be a Person working for Hire.

No Building or Premises used solely for the Purpose of a Dwelling House shall be deemed to be a Factory or Part of a Factory within the Meaning of this Act.

Factory Acts Extension.

A

BILL

For the Extension of the Factory Acts.

(Prepared and brought in by
Mr. Bruce and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
17 *March* 1864.

[Bill 55.]

Under 2 *oz.*

Fish Teinds (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Short Title;—Sect. 1.
Interpretation; 2.
Repeal of Provision in Act 1690, c. 30.; 3.
Parties interested may commute Fish Teinds by Agreement; 4.
Persons liable in Fish Teinds may petition Sheriff to call a Meeting; 5.
Roll of Persons liable in Fish Teinds to be made up; 6.
Meeting of Persons named in the Roll to be called by Sheriff; 7.
Meeting may resolve to approve of Agreement, or to enter into a Submission; 8.
Submission to One Person as sole Arbiter may be entered into; 9.
Presbytery to be bound by Signatures of Moderator and Clerk; 10.
Proceedings before Arbiter; 11.
Agreement or final Award to be recorded in Sheriff Court Books; 12.
Capital Sum to be raised, and invested on Heritable Security; 13.
Payment of Fish Teinds to cease after Commutation; 14.

11 *March* 1864. 27 Vict.

(Scotland.)

A

BILL

TO

Facilitate the Commutation and Sale of certain Vicarage Teinds in Scotland.

Preamble.

Charles I., cc. 17. 19.

William and Mary, 1st Parl. c. 30.

Anne, 1st Parl. c. 9.

WHEREAS by Two Acts, being respectively the Seventeenth and Nineteenth of the First Parliament of His Majesty King Charles the First, held at Edinburgh in the Year Sixteen hundred and thirty-three, Provision was made for the Valuation and Sale of Teinds, Parsonage and Vicarage, to those Persons liable in Payment of the same, except in so far as such Teinds had been previously assigned to the Minister serving the Cure: And whereas by the Thirtieth Act of the Second Session of the First Parliament of Their Majesties King William and Queen Mary, held at Edinburgh in the Year Sixteen hundred and ninety, intituled an "Act and Commission for "Plantation of Kirks and Valuation of Teinds," it was, inter alia, enacted, that the Rules contained in the foresaid Acts for the Valuation and Sale of Teinds shall extend to all Teinds, "except "such as belong to and are possest by Ministers for their Stipends "and Provisions, which are only to be valued, but not to be sold "or bought:" And whereas by the Ninth Act of the Fourth Session of Queen Anne's First Parliament, held at Edinburgh in the Year Seventeen hundred and seven, intituled "Act anent "Plantation of Kirks and Valuation of Teinds," it was, inter alia, enacted, that the Lords of Council and Session shall judge, cognosce, and determine in all Affairs and Causes whatsoever which by the Laws and Acts of Parliament of the Kingdom of Scotland were formerly referred to and did pertain and belong to the Jurisdiction and Cognizance of the Commissioners for Plantation of Kirks and Valuation of Teinds: And whereas there are several Parishes in Scotland in which Vicarage Teinds on Fish are payable to the Ministers, and form Part of their Stipends; and it is expedient that Provision should be made for the Commutation of such Teinds: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Fish Teinds (Scotland) Act, 1864."

Interpretation.

2. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them:

"Fish Teinds" shall mean the Vicarage Teinds on Fish payable to the Minister of any Parish in Scotland, and forming Part of his Stipend:

"Presbytery" shall mean the Presbytery of the Bounds within which such Parish is situate:

"Sheriff" shall mean the Sheriff of the County in which such Parish is situate, or, in the Case of a Parish situate partly in one County and partly in another, the Sheriff of the County in which the larger Portion of such Parish is situate, and shall include Sheriff Substitute:

"Sheriff Clerk" shall mean the Sheriff Clerk of such County.

Repeal of Provision in Act 1690, c. 30.

3. The Provision in the recited Act of Sixteen hundred and ninety, Chapter Thirty, that Teinds belonging to and possessed by Ministers for their Stipends and Provisions may only be valued, but are not to be sold or bought, shall, as regards Vicarage Teinds on Fish, be and the same is hereby repealed, in so far as inconsistent with the Provisions of this Act, but no further.

Parties interested may commute Fish Teinds by Agreement.

4. In any Parish in which there are Fish Teinds it shall be lawful for the Minister of the Parish, the Presbytery, and the Persons liable in Payment of Fish Teinds, to enter into an Agreement for the Commutation or Redemption of the Fish Teinds, and to contract for the Substitution of a Capital Sum to be raised and invested as herein-after provided.

Persons liable in Fish Teinds may petition

5. Any *Ten* Persons liable in the Payment of Fish Teinds, or who have paid or have been required to pay Fish Teinds within the

Sheriff to call a Meeting.

Period of *Twelve Months* immediately preceding the Date of the Application after mentioned, may apply by Petition to the Sheriff to summon a Meeting of the whole Persons resident in the Parish who are liable in Payment of Fish Teinds, for the Purpose of taking into consideration the Commutation of the Fish Teinds under the Provisions of this Act.

Roll of Persons liable in Fish Teinds to be made up.

6. Within *Eight* Days after the Presentation of such Petition the Sheriff shall pronounce an Order on the Minister of the Parish or the Collector of the Fish Teinds to lodge with the Sheriff Clerk within a Period to be specified in such Order a Roll of the Persons liable or held to be liable in Payment of such Teinds for the Year then current; and after the Roll has been lodged the Sheriff shall direct the same to be printed, and Copies thereof to be affixed for *Fourteen* Days on the principal Door of the Parish Church and on other public Places within the Parish; and immediately after the Expiry of that Period the Sheriff Clerk shall proceed to revise the Roll, and within *Fourteen* Days after such Expiry may, on Cause shown, expunge the Name of any Person therefrom, if satisfied that his Name has been erroneously entered therein, but only after giving due Intimation to such Person of the Intention so to do; and the Sheriff Clerk may also, if satisfied that the Name of any Person has been unduly omitted from the Roll, add his Name thereto, and the Roll so revised shall be attested and signed by the Sheriff and Sheriff Clerk, and shall be final and conclusive in regard to all Matters and Things to be done under the Provisions of this Act; and the Roll shall remain in the Custody of the Sheriff Clerk, who shall deliver a Copy thereof to any Person applying for the same, on Payment for such Copy at the Rate of *Sixpence* for every One hundred Names copied.

Meeting of Persons named in the Roll to be called by Sheriff.

7. On the Completion and Attestation of the Roll the Sheriff shall summon a Meeting of the Persons whose Names are entered therein to be held in some convenient Place within the Parish, and shall intimate the Time and Place for holding such Meeting and the Purpose thereof by Advertisement, signed by the Sheriff Clerk, printed Copies of which shall be affixed on the principal Door of the Parish Church and on other public Places within the Parish, as the Sheriff shall direct, at least *Eight* Days previous to the Day of holding such Meeting, and the Sheriff shall preside thereat; and such Meeting may resolve that the Fish Teinds payable in such Parish shall be commuted under the Provisions of this Act, and may approve of any Deed of Agreement between the Minister of the Parish, the Presbytery, and the Persons liable in Payment of Fish Teinds, which may then be submitted for that

Purpose, or may resolve to adjourn to a Second Meeting to be held within *Twenty-one* Days thereafter, in order to prepare and consider any such Deed of Agreement, or may resolve to submit the Terms of such Commutation to Arbitration; and all Questions arising at such Meeting or adjourned Meeting shall be decided by the Votes of a Majority of the Persons present thereat, and whose Names are on the Roll, and such Decision shall be binding on all Persons whose Names are on the Roll.

Meeting may resolve to approve of Agreement, or to enter into a Submission.

8. If it shall be determined by a Majority of the Persons present and voting at such Meeting or adjourned Meeting to approve of such Deed of Agreement, or to enter into a Submission, as herein-after provided, the Meeting or adjourned Meeting shall elect *Three* of their Number to subscribe such Deed of Agreement or Deed of Submission on behalf of the whole Persons resident in the Parish who are liable in Payment of Fish Teinds, and such Subscription shall bind the whole Persons so liable in all Time coming: Provided that in the event of the Inability by Death or otherwise of any of the *Three* Persons so elected, the Subscription of the remaining *Two* shall be as valid and binding as if the *Three* Persons had subscribed such Deed of Agreement or Deed of Submission.

Submission to One Person as sole Arbiter may be entered into.

9. In the event of the Majority of the Persons present and voting at any such Meeting or adjourned Meeting resolving that a Deed of Submission shall be entered into with the Minister of the Parish and the Presbytery, for the Purpose of having the Fish Teinds commuted, according to the Judgment and Award of One Person as sole Arbiter, such Arbiter shall be chosen and appointed by the Minister of the Parish, the Presbytery, and the *Three* Persons elected at such Meeting.

Presbytery to be bound by Signatures of Moderator and Clerk.

10. Any Deed of Agreement or Deed of Submission to be entered into by the Presbytery, under the Provisions of this Act, shall be binding on the Presbytery if signed by the Moderator and Clerk thereof for the Time being with the Authority of the Presbytery.

Proceedings before Arbiter.

11. The Arbiter under any such Deed of Submission may take all necessary Proceedings, and allow the Parties to lead Evidence and to be heard vivâ voce, or to give in Statements in Writing, as he thinks fit; and in his Award he shall fix the Capital Sum to be paid for the Commutation of the Fish Teinds, and the Date at which the same is to be paid, and shall decern for Payment of the Expenses incurred in the Submission; and he may find any of the Parties to the Submission liable in Expenses to any of the other Parties, and may modify the same as he thinks fit; and his Award shall be final and binding on all the Parties to the Submission.

12. Within *Three* Weeks after any Deed of Agreement has been completed, or after any Final Award has been pronounced and issued, under the Provisions of this Act, the same shall be transmitted to the Sheriff Clerk, and shall be recorded in the Sheriff Court Books of the County; and all Expenses incurred by the Sheriff Clerk in the Execution of this Act, including reasonable Remuneration for his Trouble (to be fixed by the Sheriff in case of Difference), shall be paid by the Persons resident in the Parish who are liable in Payment of Fish Teinds.

Agreement or Final Award to be recorded in Sheriff Court Books.

13. The Capital Sum fixed by such Deed of Agreement or by the Award of the Arbiter shall be raised and provided by the Persons resident in the Parish who are liable in Payment of Fish Teinds, and shall, under the Direction of the Sheriff and of the Procurator and Agent of the Church of Scotland, be invested on approved Heritable Security, in the Names of the Moderator and Clerk of the Presbytery and of the Procurator of the said Church, all for the Time being, and their Successors in Office, as Trustees for the Management of the said Capital Sum; and the said Trustees shall, after Deduction of any necessary Expenses, pay over half-yearly the Interest accruing on the said Capital Sum to the Minister of the Parish for the Time being, and they may from Time to Time change the said Security, and re-invest the said Capital Sum on approved Heritable Security in the Names of the Trustees for the Time being.

Capital Sum to be raised and invested on Heritable Security.

14. In any Parish in which the Fish Teinds have been commuted, and the said Capital Sum has been raised and invested, under the Provisions of this Act, all Right on the Part of the Minister of the Parish to collect or receive Fish Teinds, and all Liability for the Payment of Fish Teinds, shall cease and determine from and after the Date of such Deed of Agreement or Award, as the Case may be, or from and after any other Date which may be specified therein respectively, and in all Time coming.

Payment of Fish Teinds to cease after Commutation.

Fish Teinds (Scotland).

A

B I L L

To facilitate the Commutation and Sale of certain Vicarage Teinds in Scotland.

(Prepared and brought in by
The Lord Advocate, Sir George Grey, and Sir William Dunbar.)

Ordered, by The House of Commons, *to be Printed,*
11 *March* 1864.

[Bill 45.]

Under 1 *oz.*

A

BILL

FOR

The better Preservation of Fresh-water Fish in England and Wales.

WHEREAS the Fresh-water Fisheries of England have of late Years been greatly injured, and it is desirable to amend the Laws relating thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

1. This Act may be cited for all Purposes as "The Fresh-water Fishery Act, 1864." Short Title.

2. This Act shall not extend to Scotland or Ireland, or to the River Tweed, as defined by the Tweed Fisheries Amendment Act, 1859. Application of Act.

3. This Act shall not come into operation until the *First Day of October One thousand eight hundred and sixty-four.* Commencement of Act.

Definition of Terms.

4. In this Act, unless there is something inconsistent in the Context, the Words and Expressions herein-after mentioned shall have respectively the Meanings hereby assigned to them; that is to say,

"Person" shall include any Body of Persons, corporate or unincorporate:

"Fresh-water Fish" shall include Trout, Grayling, Pike, Carp, Tench, Perch, Eel, Barbel, Bream, Chub, Roach, Dace, Gudgeon, Crayfish and other Fish breeding in Fresh-waters, other than Salmon as defined in the Salmon Fishery Act of 1861:

"Fresh-waters" shall mean all Waters that are not tidal Waters.

Not to interfere with Salmon Fishery Act.

5. Nothing in this Act contained shall be construed to repeal or interfere with the Operation of the Salmon Fishery Act, 1861.

Not to interfere with private Fisheries.

6. Nothing in this Act contained shall extend or apply to any Lake, Pond, or other Water not in communication with a running River or Stream, and in which Lake, Pond, or other Water any Person has an exclusive Right of Fishery.

Close Time.

7. Upon and after the *First Day of February*, and from thence until the *First Day of June*, exclusively of the last-mentioned Day, it shall not be lawful for any Person to take by any Means, except Angling, any Fresh-water Fish, or to sell, or expose or offer for Sale, or to purchase, any Fresh-water Fish caught in England or Wales, other than Store Eels or pickled or preserved Fish caught before the Commencement of the said before-mentioned Period; the Proof of which catching, both as regards Time and Place, shall lie on the Defendant; but this Section may be varied as to any Description of Fish in any particular River, Stream, or Water, by One of Her Majesty's Principal Secretaries of State, in the Manner specified in the Salmon Fishery Act of 1861.

Size of Fish.

8. It shall not be lawful to take and kill, except for the Purpose of using them as Baits, any of the under-mentioned Fresh-water Fish of less than the under-mentioned Weights.

Pike - - - -	Each Eight Ounces.
Carp - - - -	
Tench - - - -	
Eel - - - -	
Barbel - - - -	
Bream - - - -	
Chub - - - -	

Trout

Trout - - - -	Each Four Ounces.
Grayling - - - -	
Perch - - - -	
Roach - - - -	
Dace - - - -	
Crayfish - - - -	One Ounce.

Penalty on using certain Nets.

9. No Person shall take or attempt to take Fresh-water Fish with Draught Nets, Hoop Nets, Drum Nets, Clear Wheels, or other Net or Device, except Flew Nets having a Mesh of not less Dimensions than in extension from Knot to Knot (the Measurement to be made on each Side of the Square), or measured round each Mesh when wet; and any Person acting in contravention of this Section shall forfeit all Nets and Tackle used by him in so doing, and the placing Two or more Nets behind or near to each other, in such Manner as to practically diminish the Mesh of the Nets used, or the covering the Nets used with Canvass, or the using any other Artifice, so as to evade the Provisions of this Section with respect to the Mesh of Nets, shall be deemed to be an Act in contravention of this Section, except that Fresh-water Fish may be taken by Cast Nets, and Eels by Grig Wheels, and Crayfish by Wheels not exceeding Two and a Half Feet in Length, with a Passage not exceeding One Inch and a Quarter; and small Fish may be taken for Bait with the common Drop-round Minnow Net not exceeding Three Feet in Diameter.

Penalties.

10. Any Person acting in contravention of this Act shall incur a Penalty not exceeding Forty Shillings, and for the Second and for every subsequent Offence not exceeding *Five Pounds* nor less than *Twenty Shillings;* and all Nets or other Engines used or Fish taken contrary to this Act shall be forfeited, and may be seized and detained by any Person having a Right of fishing in the Waters where the same shall be used or taken, or by any Police Constable or other Police Officer.

But this Act shall not apply—

(1.) To any Person who takes such Fish accidentally, and forthwith returns the same to the Water with the least possible Injury:

(2.) To any Person who takes or is in possession of such Fish for artificial Propagation or other scientific Purposes.

Recovery of Penalties.

11. All Penalties imposed by this Act may be recovered within Six Months after the Commission of the Offence, before Two Justices, in manner directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties of the Justices of the Peace out of Sessions "within England and Wales, with respect to Summary Convictions "and Orders," or of any Act amending the same; and all Monies received in respect of Penalties recovered under the Act shall be paid as follows; that is to say,

Such Portion, not exceeding One Half, as the Court may think fit, to the Person on whose Complaint the Penalty is recovered, and the Remainder in manner directed by the said Act of Eleventh and Twelfth Years of the Reign of Her present Majesty Victoria, Chapter Forty-three; and all Forfeitures shall be disposed of as the Court may direct, and the Proceeds, if any, shall be applied in manner in which the Monies received in respect of Penalties are hereby directed to be applied.

Offences on Rivers may be tried in County on either Side.

12. Where any Offence under this Act is committed in or upon any Waters forming the Boundary, or reputed to form the Boundary, between any Two Counties, or between a County and City Borough Districts of Quarter Sessions or Petty Sessions, such Offence may be prosecuted before any Justice or Justices of the Peace in either of such Counties, Cities, Boroughs, or Districts.

As to Freemen's reserved Rights.

13. Citizens, Freemen, and Burgesses of Cities, Towns, and Boroughs within the Meaning of Section the Second of an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to provide "for the Regulation of Municipal Corporations in England and "Wales," may, by an Advertisement purporting to be signed by any Ten of such Citizens, Freemen, or Burgesses, convene a Meeting to be called a Common Hall, at which a Majority of the Persons attending the Meeting, being such Citizens, Freemen, or Burgesses, may pass Byelaws for the Regulation of Fisheries which such Citizens, Freemen, or Burgesses hold in common as Part of their reserved Rights, and the Penalties then enacted for the Breach of such Byelaws; and the Forfeitures made by Breach of such Byelaws may be recovered and disposed of in the Manner directed by Section the Thirteenth of this Act: Provided that no such Byelaw shall come into operation, except in the Manner directed by the said Act for the Regulation of Municipal Corporations, Section the Thirteenth, nor if disallowed as therein mentioned.

Fisheries (Fresh-water).

A

B I L L

For the better Preservation of Fresh-water Fish in England and Wales.

(*Prepared and brought in by*
Mr. Neate and Mr. Malins.)

Ordered, by The House of Commons, *to be Printed,*
2 *June* 1864.

[Bill 130.]

Under 1 *oz.*

15 *February* 1864. 27 Vict.

A

BILL

TO

Abolish the Forfeiture of Lands and Goods on Convictions of Felony.

WHEREAS it is expedient to abolish the Forfeiture of Lands and Goods on Convictions of Felony: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. From and after the *passing of this Act* no Conviction of Felony shall cause a Forfeiture of the Lands or Goods of any Person so convicted, any Statute or Usage to the contrary notwithstanding. Forfeiture of Lands and Goods not to attach to Convictions of Felony.

and Goods.

A

BILL

To abolish the Forfeiture of Lands and Goods on Convictions of Felony.

(*Prepared and brought in by*
Mr. Charles Forster, Mr. William Ewart,
and Mr. Locke King.)

Ordered, by The House of Commons, *to be Printed,*
15 *February* 1864.

[Bill 21.]

Under 1 *oz.*

A

BILL

FOR

Providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, having further considered the State, Condition, and Sufficiency of the Fortifications existing for the Defence of the United Kingdom, and being desirous to provide forthwith for the Construction of certain Works for the Defence of Your Royal Arsenals and Dockyards and the Ports of Dover and Portland, and for the Creation of a Central Arsenal, have cheerfully granted to Your Majesty the further Sum of *Six hundred and fifty thousand Pounds,* to be paid out of the Consolidated Fund, towards defraying the Expenses incurred or to be incurred for those Purposes, and we have resolved that a Sum not exceeding the said Sum of *Six hundred and fifty thousand Pounds* be raised by such Terminable Annuities as herein-after mentioned, and we do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Sum of 650,000*l.* to be issued out of the Consolidated Fund towards Expenses after mentioned.

1. Towards defraying the Expenses herein-after mentioned any Sum or Sums, not exceeding in the whole the Sum of *Six hundred and fifty thousand Pounds*, shall be issued and applied out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or the growing Produce thereof, and it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to issue and apply the same accordingly.

Appropriation of the Money so issued to the Expenses of constructing Fortifications, and providing a Central Arsenal.

2. Such Sum or Sums as may be issued out of the Consolidated Fund, or the growing Produce thereof as aforesaid, shall be applied as mentioned in the Schedule to this Act towards defraying the Expenses incurred or to be incurred in constructing the aforesaid Fortifications and Works for the Defence of the Royal Arsenals and Dockyards of the United Kingdom (including the Naval Establishment at Haulbowline), and the Fortifications at Dover and Portland, and in providing a Central Arsenal, and in purchasing the Land and Rights in Land that may be required for the Purposes of such Fortifications, Works, and Arsenal; and the Commissioners of Her Majesty's Treasury shall from Time to Time apply such Sum or Sums accordingly: Provided always, that it shall not be lawful to apply any of such Sums to any Work not specifically named in the Schedule, nor to apply to any Work any greater Sum than that which is set down in the Schedule as the total estimated Cost of the Work.

Treasury to raise 650,000*l.* by creating Annuities for a Term not exceeding Thirty Years.

3. To provide for the Issues to be made out of the Consolidated Fund or the growing Produce thereof, and to repay to the Consolidated Fund the Amount which may have been previously so issued under this Act, or for either of those Purposes, it shall be lawful for the Commissioners of Her Majesty's Treasury at any Time or from Time to Time, after the passing of this Act, to raise any Sum or Sums not exceeding in the whole the Sum of *Six hundred and fifty thousand Pounds* as herein-after mentioned; and for raising all or any Portions which may be so raised from Time to Time of the said Sum of *Six hundred and fifty thousand Pounds* it shall be lawful for the Commissioners of the Treasury to cause to be created, and vested in the Contributors to the said Sum or to the respective Portions thereof, Annuities for such Term not exceeding the Term of *Thirty Years* as the Commissioners of the Treasury may think fit to fix in the Contract with such Contributors, and to be payable half-yearly by equal Payments on the *Fifth Day of April* and the *Tenth Day of October*.

Treasury to fix the Term and Amount of Annuity to be granted to Contributors for every 100*l.* and Terms of Payment of Subscription.

4. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to contract, in such Manner and under such Regulations as they may deem advisable, with any Person or Persons, Body or Bodies Politic or Corporate, who may be willing to advance the whole or any Part of the said Sum of *Six hundred and fifty thousand Pounds*, or of the Portion thereof which the said Commissioners may at any Time think it requisite to raise, and to appoint and fix the Amount and Times of Payment of Deposits and Instalments of or in respect of the Sums contracted to be advanced, and to declare and fix the Term and the Amount of Annuity to be created under this Act to which the several Persons and Corporations advancing such Sums (who are herein referred to as the Contributors), their respective Executors or Administrators, Successors, or Assigns, shall be entitled in respect of each One hundred Pounds contributed and paid, and to appoint on which of the half-yearly Days herein-before mentioned the First Half Year's Payment of Annuity shall become due, and the Time or Times at which the said Annuities or proportional Amounts thereof shall be placed in the Books of the Bank of England to the Credit of the respective Contributors, their Executors, Administrators, Successors, and Assigns, and to fix the Time during which Receipts for such Deposits or Instalments as aforesaid shall be assignable; and the several Contributors, their Executors, Administrators, Successors, or Assigns, shall be entitled for every One hundred Pounds by them respectively advanced and paid to an Annuity for such Term and of such Amount as shall be so fixed by the Commissioners of the Treasury, to be payable during the Term so fixed by half-yearly Payments as aforesaid, the first half-yearly Payment to be due as the said Commissioners may have appointed as aforesaid.

Power to Guardians, &c. to subscribe for Infants.

5. It shall and may be lawful for any Guardian or Trustee having the Disposition of the Money of any Infant to contribute and pay for or towards advancing any Part of any Sum to be raised by Annuities in manner aforesaid; and such Infant upon the Payment of such Sum or Sums subscribed by such Guardian or Trustee, shall become a Contributor within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof in such and the like Manner as any other Contributor; and such Guardian or Trustee, as to the said Sum or Sums so advanced, is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Money.

Time at which Annuities may be transferred.

6. All Deposits, Instalments, and Sums to be paid by the Contributors, their Executors, or Administrators, Successors, or Assigns, in respect of any Portion of the said Sum of *Six hundred and fifty thousand Pounds*, shall be paid to the Cashier or Cashiers of the Governor and Company of the Bank of England; and as soon as any Contributors, their Executors, Administrators, Successors, or Assigns, shall, after Payment of the required Deposit, have made due Payment of any subsequent Instalment payable by them respectively on the Days appointed by the said Commissioners of the Treasury towards a Sum raised under this Act, such Contributors may have a proportional Amount of the Annuities to which they may be entitled in respect of such Instalment forthwith placed in the Books of the Bank of England to the Credit of such respective Contributors, their Executors, Administrators, Successors, or Assigns, and on Payment of the last Instalment such Contributors, their Executors, Administrators, Successors, or Assigns, shall have a proportional Amount of like Annuities placed to their respective Credits corresponding, at the Rate aforesaid, to the aggregate Amount of the Deposit and of such last Instalment; and the Persons to whose Credit such Annuities, or such proportional Parts thereof, shall be so placed, their respective Executors, Administrators, Successors, and Assigns, shall have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate whatsoever, in the Books of the Bank of England (in such Manner as is herein-after directed); and the said Governor and Company of the Bank of England are hereby required, as soon as conveniently may be after Notice from the Commissioners of the Treasury for the Purpose, to prepare proper Books for the Purpose of entering the Names of all such Contributors, and of placing to their Credit the Annuities to which they will be entitled under this Act.

Contributors may anticipate Payments.

7. All such Contributors, their Executors, Administrators, Successors, or Assigns, who shall pay into the Hands of the said Cashier or Cashiers the whole of their respective Contribution Money, or any Part thereof, in anticipation of the Instalments appointed by the Commissioners of the Treasury, or any of them, shall be entitled to have forthwith inscribed into their respective Names the whole or such proportional Amount of the said Annuities; but Discount shall not be allowed on any such Payment in anticipation of any of the said Instalments.

Annuities payable, &c. at the Bank.

8. All the Annuities created under this Act shall be payable and paid and be transferable at the Bank of England.

Money to be issued out of the Consolidated Fund for Payment of Annuities and Charges, and shall be charged upon the said Fund.

9. So much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to the said Cashier or Cashiers of the Governor and Company of the Bank of England, as shall be sufficient to satisfy and pay the said Annuities to be created under the Act, together with the Charges attending the same, and all the said Annuities shall be charged and chargeable upon and are hereby charged upon and made payable out of the said Consolidated Fund.

Bank of England to appoint a Cashier and an Accountant General, and Treasury to order Money to be issued to the Cashier for Payment of Annuities.

10. For the more easy and sure Payment of the Annuities established by this Act the said Governor and Company of the Bank of England and their Successors shall from Time to Time, until all the said Annuities shall have expired, appoint and employ One or more sufficient Person or Persons within their Office in the City of London to be their Chief or First Cashier or Cashiers, and One or other sufficient Person within the same Office to be their Accountant General; and so much of the Money by this Act to be set apart for the Purpose as shall be sufficient from Time to Time to answer the said Annuities and the Charges attending the same shall, by Order of the Commissioners of Her Majesty's Treasury, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid at the Receipt of the Exchequer to the said Chief or First Cashier or Cashiers of the said Governor and Company of the Bank of England, and their Successors for the Time being, by way of Imprest and upon Account for the Payment of the Dividends payable by virtue of this Act; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof to the Commissioners for auditing the Public Accounts; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

Cashier to give Receipts for Subscriptions, and pay the Money he receives into the Exchequer.

11. The Cashier or Cashiers of the Governor and Company of the Bank of England who shall receive any Deposits or Instalments from Contributors in respect of any Portion of the said Sum of *Six hundred and fifty thousand Pounds* shall give a Receipt or Receipts in Writing to every such Contributor for all such Sums, and also Warrants for the proportional Amounts of Annuity to be created in respect of the Instalments intermediate between the Deposit and the last Instalment on the Payment of those Instalments respectively; and the Receipts and Warrants so to be given shall be assignable and transferable by Delivery thereof during such Time as shall have been fixed by the Commissioners of Her Majesty's Treasury, and no longer; and such Cashier or Cashiers shall give Security to the Satisfaction of the Commissioners of Her Majesty's Treasury for duly answering and paying into the Receipt of the Exchequer as after mentioned all the Monies which he or they shall hereafter receive from Time to Time of and for any Portion of the said Sum of *Six hundred and fifty thousand Pounds*, and for accounting duly for the same, and for Performance of the Trust hereby in him or them reposed, and shall from Time to Time pay all such Monies as soon as he or they shall receive the same or any Part thereof, or within Five Days afterwards at the furthest, into and shall account for the same in the Exchequer, according to the due Course thereof.

The Money paid into the Exchequer to form Part of the Consolidated Fund.

12. All such Sums of Money as shall be from Time to Time paid into the Receipt of Her Majesty's Exchequer in respect of the said Sum of *Six hundred and fifty thousand Pounds*, or any Portion thereof, raised by Annuities as aforesaid, shall be carried to and form Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

A Book to be kept in the Accountant General's Office for entering Contributors Names, and a Duplicate to be transmitted to the Exchequer.

13. In the Office of the Accountant General of the Governor and Company of the Bank of England for the Time being a Book or Books shall be provided and kept, in which the Names of the Contributors to any Portion of the said Sum of *Six hundred and fifty thousand Pounds*, which may be raised under this Act, shall be fairly entered, which Book or Books the said respective Contributors, their respective Executors, Administrators, Successors, and Assigns, shall and may from Time to Time and at all seasonable Times resort to and inspect without any Fee or Charge; and the said Accountant General shall, at such Time or Times as may be directed by the Commissioners of the Treasury, transmit an attested Duplicate fairly written on Paper of the said Book or Books into the Office of the Receipt of the Exchequer, there to remain for ever.

Subscriptions paid in part, and not completed, forfeited.

14. In case any such Contributors to any Portion of the Sum of *Six hundred and fifty thousand Pounds* which may be raised under this Act, after having paid to the said Cashier or Cashiers any Sum or Sums of Money as a Deposit, at the Time and in the Manner appointed by the Commissioners of the Treasury, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed at the Times and in the Manner which shall have been appointed by the Commissioners of the Treasury, then and in every such Case such Deposit shall be forfeited for the Benefit of the Public, and all Right and Title to the said Deposit, and to the Annuity in respect thereof, shall be extinguished.

Annuities to be deemed Personal Estate.

15. All Persons and Corporations who shall be entitled to any of the Annuities which may be created under this Act, and all Persons and Corporations lawfully claiming under them, shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of London or otherwise.

Accountant General to keep Books for entering Transfers.

16. Books shall be constantly kept by the said Accountant General for the Time being wherein all Assignments or Transfers of all Annuities created under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or, if such Parties be absent, by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or more Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof, and no other Method of assigning and transferring the said Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law; and no Stamp Duties whatsoever shall be charged on any of the said Transfers, any Law or Statute to the contrary notwithstanding.

Transfers not liable to Stamp Duties.

Power to Treasury to add Annuities created under this Act to Stock of existing Terminable Annuities of like Duration.

17. Provided, That it shall be lawful for the Commissioners of Her Majesty's Treasury, if they think it expedient so to do, for raising all or any Portion of the said Sum of *Six hundred and fifty thousand Pounds* to contract and provide that all or any of the Terminable Annuities to be created under the Provisions of this Act in respect of such Sum or Portion as aforesaid shall be consolidated with and deemed Part of the Joint Stock of the Terminable Annuities created by the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Eighteen, or of the Joint Stock of any Terminable Annuities transferable at the Bank of England and charged on the Consolidated Fund by the Authority of Parliament for the same Term for the Time being unexpired, and payable on the same half-yearly Days, as the Annuities which they may contract to create, and in every such Case the Annuities to be created under this Act shall be added to and form Part of the Joint Stock of the previously existing Annuities accordingly.

18. It

Allowance to Bank of England for the Expense of Management.

18. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct the Payment out of the Consolidated Fund to the Governor and Company of the Bank of England of the Sum of *Six hundred Pounds* for the said Contributions as an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the same, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trust reposed in him by this Act, which Allowance in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company shall be for the Use of the said Governor and Company, and at their Disposal only.

Fortifications, &c. to be executed under the Direction of the Secretary of State for War.

19. The Fortifications, Works, and Central Arsenal, the Expenses of constructing and providing which are to be defrayed under this Act, shall be constructed and provided respectively under the Direction of Her Majesty's Principal Secretary of State for the War Department, and the Land to be purchased and acquired for the Purposes of such Fortifications, Works, and Central Arsenal shall be vested in the said Secretary of State on behalf of Her Majesty.

Accounts to be laid before Parliament.

20. The Commissioners of Her Majesty's Treasury shall in the Month of April in the Year One thousand eight hundred and sixty-five, and in every subsequent Year in which any Part of the said Sum of *Six hundred and fifty thousand Pounds* shall be issued from the Consolidated Fund or raised by Annuities under this Act, cause to be prepared an Account of the Monies raised under this Act up to the First Day of that Month, and of the Amount of Annuities created in respect of the Money so raised, and of the Monies which shall have been issued out of the Consolidated Fund in respect of the Sum of *Six hundred and fifty thousand Pounds* charged on that Fund under this Act up to the First Day of April, specially showing the Works or Purposes for or in respect of which the Monies may have been applied, and showing the Amount, if any, which may remain to be raised of the said Sum of *Six hundred and fifty thousand Pounds* authorized to be raised under this Act, and the Amount, if any, remaining to be issued or applied of the said Sum of *Six hundred and fifty thousand Pounds* charged on the said Consolidated Fund; and every such Account shall be laid before both Houses of Parliament forthwith after the Preparation thereof, or if Parliament be not sitting then within *Fourteen* Days after the next Meeting of Parliament.

Persons counterfeiting Receipts

21. If any Person shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the whole or any Part or Parts of the said Contributions towards any Sum raised under this Act, either with or without the Name or Names of any Person or Persons being inserted therein as the Contributor or Contributors thereto, or Payer or Payers thereof or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, with Intent to defraud the Governor and Company of the Bank of England or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person so forging or counterfeiting or altering, or causing or procuring to be forged or counterfeited or altered, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, shall be guilty of Felony, and being convicted thereof shall, at the Discretion of the Court, be liable to be kept in Penal Servitude for any Term not less than Three Years, or to be imprisoned, with or without Hard Labour, or with or without Solitary Confinement for any Term not exceeding Two Years.

for Contributions, &c. guilty of Felony.

22. The said Governor and Company of the Bank of England, and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same or any of them, shall continue a Corporation for the Purposes of this Act until the Annuities created under this Act shall cease.

Bank to continue a Corporation till the Annuities hereby granted cease.

SCHEDULE.

1. Station.	2. District.	3. Name of Work.	4. Total Estimated Cost.	5. Expended to 31st March 1864.	6. Amount already voted.	7. Amount proposed 1864–5.	8. Further Amount to complete.
			£	£	£	£	£
Portsmouth -	Spithead -	Horse Sand Fort - -	260,000	39,698	36,000	25,000	199,000
		No Man's Land - -	290,000		36,000	25,000	229,000
		Other Spithead Works -	310,000		36,000	- -	274,000
	Needles -	Needles Battery - -	50,000	18,112	34,500	5,000	10,500
		Hatherwood - -					
		Warden Point - -					
		Cliff End - - -					
		Golden Hill - -	30,000	1,132	13,000	5,000	12,000
		Hurst Castle - -	108,000	19,267	43,000	30,000	35,000
	Isle of Wight	Puckpool and St. Helen's Batteries.	87,000	9,612	22,000	10,000	55,000
		Sandown Bay Defences -	105,000	80,582	90,000	10,000	5,000
		Military Road and Posts for Defence of South-west Coast.	35,000	- -	15,000	5,000	15,000
	Portsdown -	Fort Wallington - -	75,000	34,501	45,000	30,000	—
		Fort Nelson - -	75,000	41,338	45,000	30,000	—
		Fort Southwick - -	85,000	38,494	45,000	30,000	10,000
		Fort Widley - -	75,000	39,111	45,000	30,000	—
		Fort Purbrook and Outworks	135,000	31,554	65,000	10,000	60,000
	Gosport -	Gilkicker Battery - -	50,000	- -	10,000	15,000	25,000
		Stokes Bay Lines - -	28,000	26,448	208,000	—	—
		Fort Grange - -	180,000	136,680			
		Fort Rowner - -					
		Fort Brockhurst - -					
		Fort Fareham - -	90,000	65,372	73,000	15,000	2,000
	Hilsea - -	Hilsea Lines - -	100,000	40,306	45,000	25,000	30,000
	Southsea -	Eastney Batteries - -	55,000	20,827	35,000	10,000	10,000
		Lump's Battery - -					
		Southsea Castle - -					
Plymouth -	Sea Defences -	Picklecombe Battery -	80,000	20,222	40,000	5,000	35,000
		Staddon Point Battery -	60,000	11,493	25,000	15,000	20,000
		Breakwater Battery - -	145,000	38,475	55,000	15,000	75,000
		Drake's Island Battery -	32,000	23,660	32,000	—	—
		Eastern King Battery -	15,000	12,700	15,000	—	—
		Western King Battery -					
		Mount Edgecumbe Battery -					
	Staddon -	Staddon Fort - -	168,000	97,324	133,000	30,000	5,000
		Fort Stamford - -					
	Maker - -	Knatterbury - -	28,000	22,317	26,000	1,000	1,000
		Whitesand Bay - -					
		Cawsand Bay - -					
		Maker Barracks - -	20,000	- -	- -	- -	20,000
	North Eastern	North Eastern Defences -	350,000	2,035	100,000	40,000	210,000
	Devonport -	Devonport Lines - -	10,000	7,440	9,500	- -	500
	Antony - -	Fort Tregantle - -	260,000	185,286	230,000	25,000	5,000
		Fort Screasdon - -					

1. Station.	2. District.	3. Name of Work.	4. Total Estimated Cost.	5. Expended to 31st March 1864.	6. Amount already voted.	7. Amount pro-posed 1864–5.	8. Further Amount to complete.
			£	£	£	£	£
Pembroke -	Milford Haven	Stack Rock Fort - -	60,000	12,873	42,000	5,000	13,000
		South Hook Battery -	146,000	115,764	146,000	—	—
		Hubberstone Battery -					
		Popton Battery - -					
		Chapel Bay Battery -	10,000	- -	5,000	- -	5,000
		Fort Scoveston (North of Milford Haven).	50,000	12,580	31,000	5,000	14,000
		Works to Southward of Milford Haven.	80,000	- -	- -	25,000	55,000
Portland -	Portland -	Verne Citadel, and Batteries connected therewith.	120,000	68,912	82,000	25,000	13,000
		Nothe Fort - -	87,000	58,531	70,000	10,000	7,000
		Breakwater Batteries -	145,000	45,992	55,000	30,000	60,000
Gravesend -	Thames -	Coalhouse Fort - -	90,000	31,099	60,000	- -	30,000
		Cliffe Fort - - -	80,000	25,563	48,000	5,000	27,000
		Shornmead -	80,000	22,391	42,000	8,000	30,000
Medway and Sheerness.	Sea Defences	Isle of Grain - -	100,000	71,130	80,000	20,000	—
		Garrison Point - -	80,000	10,318	36,000	10,000	34,000
		Hoo Fort - - -	50,000	45,074	64,000	10,000	35,000
		Darnet Fort - - -	59,000				
		Slough Battery - -	15,000	300	10,000	- -	5,000
	Works in front of Mile Town.	Works in front of Mile Town	40,000	3,678	10,000	15,000	15,000
Chatham -	Eastern -	Eastern Defences - -	500,000	- -	- -	- -	500,000
Dover -	Dover -	Castle Hill Fort - -	278,000	230,252	250,000	25,000	3,000
		Dover Castle - -					
		Western Heights - -					
Cork -	Cork -	Spike Island Defences -	10,000	2,053	5,000	1,000	4,000
		Carlisle Fort - -	79,000	21,738	37,000	5,000	37,000
		Camden Fort - -	70,000	11,755	20,000	10,000	40,000
		Total Works -	5,620,000	1,853,989	2,700,000	650,000	2,270,000
Incidental Expenses (Works) - - - -			120,000	76,605	120,000	—	—
Site for Central Arsenal - - - - -			150,000	- -	- -	—	150,000
Lands, including Cost of Surveys, Surveyors' Charges, legal and other incidental Expenses - - - -			1,030,000	924,374	1,030,000	—	—
		£	6,920,000	2,854,978	3,850,000	650,000	2,420,000

	£
Provided for by 23 & 24 Vict. c. 109. - - -	2,000,000
Provided for by 25 & 26 Vict. c. 78. - - -	1,200,000
Provided for by 26 & 27 Vict. c. 80. - - -	650,000
Total of this Enactment - - - - -	650,000
Total of the Four Enactments - - -	£ 4,500,000

Fortifications (Provision for Expenses).

A

BILL

For providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal.

(Prepared and brought in by
Mr. Massey, the Marquis of Hartington, and
Mr. Chancellor of the Exchequer.

Ordered, by The House of Commons, *to be Printed,*
15 *July* 1864.

[Bill 218.]

Under 2 oz.

A

BILL

TO

Alter the Days for shooting Game in Ireland.

Preamble.

WHEREAS by an Act passed in the Parliament of Ireland in the Twenty-seventh Year of the Reign of His late Majesty George the Third, Chapter Thirty-five, entitled "An Act for the Preservation of the Game," it is enacted, that from and after the First Day of June One thousand seven hundred and eighty-seven every Person who shall wilfully take, kill, or destroy, or shall sell or expose to sale, or who shall buy or cause to be bought, amongst other things, any Pheasant between the Tenth Day of January and the First Day of September in any Year, shall forfeit a Sum not exceeding Five Pounds for every such Pheasant: And whereas by an Act passed in the Parliament of Ireland in the Thirty-seventh Year of the Reign of His late Majesty George the Third, Chapter Twenty-one, entitled "An Act to amend the Game Laws," it is enacted, that from and after the passing of such Act no Person or Persons shall on any Pretence whatsoever take, kill, destroy, carry, sell, buy, or have in his or their Possession or Use any Moor Game, Heath Game, or Grouse between the Tenth Day of December and Twentieth Day of August in any Year, or any Partridge, Landrail, or Quail between the Tenth Day of January and Twentieth Day of September: And whereas these Days having

27 G. 3. c. 35. (I.)

37 G. 3. c. 21. (I.)

been found inconvenient and conducive to poaching, it is expedient to amend the said several Acts in relation thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of Part of Act 27 G. 3.

1. From and after the *passing of this Act* so much of the said recited Act of the Twenty-seventh George the Third as relates to the taking, killing, destroying, selling, or exposing to sale any Pheasant between the Tenth Day of January and the First Day of September in any Year shall be and the same is declared to be hereby repealed.

and Part of said Act 37 G. 3.

2. From and after the *passing of this Act* so much of the said recited Act of the Thirty-seventh George the Third, Chapter Twenty-one, as relates to taking, killing, destroying, selling, or exposing to sale any Moor Game, Heath Game, or Grouse between the Tenth Day of December and Twentieth Day of August in any Year, or any Partridge, Landrail, or Quail between the Tenth Day of January and Twentieth Day of September in any Year, shall be and the same is declared to be hereby repealed.

Fixing Periods for shooting Pheasants, Partridges, Landrails, &c. in Ireland.

3. From and after the *passing of this Act* no Person or Persons shall on any Pretence whatsoever take, kill, destroy, carry, sell, buy, or have in his, her, or their Possession or Use any Pheasant between the *First Day of February* and the *First Day of October* in any Year, or any Partridge, Landrail, or Quail between the *First Day of September* and the *First Day of February* in any Year, or any Moor Game, Heath Game, or Grouse between the *Tenth Day of December* and the *Twelfth Day of August* in any Year; and if any Person or Persons shall take, kill, destroy, carry, sell, buy, or have in his, her, or their Possession or make use of any Pheasant between the *First Day of February* and the *First Day of October* in any Year, or any Partridge, Landrail, or Quail between the *First Day of September* and the *First Day of February* in any Year, or any Pheasant between the *First Day of October* and the *First Day of February* in any Year, every such Person or Persons shall be liable to the *same Penalty* as by the said Acts is laid upon every Person or Persons transgressing the same, such Penalty to be imposed, inflicted, received, and applied in like Manner, and under the same Rules and Regulations, as in and by the said Acts is directed with respect to the Application of the Forfeitures to be incurred for any Offence against the Game Laws.

Game (Ireland).

A

B I L L

To alter the Days for shooting Game
in Ireland.

(Prepared and brought in by
Sir Hervey Bruce and Colonel Forde.)

Ordered, by The House of Commons, *to be Printed,*
23 *May* 1864.

[Bill 116.]

Under 1 *oz.*

A

BILL

TO

Amend the Law regulating the Shooting and Sale of Game in Ireland.

Preamble.

WHEREAS by an Act passed in the Parliament of Ireland in the Twenty-seventh Year of the Reign of His late Majesty George the Third, Chapter Thirty-five, entitled "An Act for the Preservation of the Game," it is enacted, that from and after the First Day of June One thousand seven hundred and eighty-seven every Person who shall wilfully take, kill, or destroy, or shall sell or expose to Sale, or who shall buy or cause to be bought, amongst other things, any Pheasant between the Tenth Day of January and the First Day of September in any Year, shall forfeit a Sum not exceeding Five Pounds for every such Pheasant: And whereas by an Act passed in the Parliament of Ireland in the Thirty-seventh Year of the Reign of His late Majesty George the Third, Chapter Twenty-one, entitled "An Act to amend the Game Laws," it is enacted, that from and after the passing of such Act no Person or Persons shall on any Pretence whatsoever take, kill, destroy, carry, sell, buy, or have in his or their Possession or Use any Moor Game, Heath Game, or Grouse between the Tenth Day of December and Twentieth Day of August in any Year, or any

27 G. 3. c. 35. (I.)

37 G. 3. c. 21. (I.)

Partridge, Landrail, or Quail between the Tenth Day of January and Twentieth Day of September: And whereas these Days having been found inconvenient and conducive to Poaching, it is expedient to amend the said several Acts in relation thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of Part of Act 27 G. 3.

1. From and after the *passing of this Act*, so much of the said recited Act of the Twenty-seventh George the Third as relates to the taking, killing, destroying, selling, or exposing to Sale any Pheasant between the Tenth Day of January and the First Day of September in any Year shall be and the same is declared to be hereby repealed.

and Part of said Act 37 G. 3.

2. From and after the *passing of this Act*, so much of the said recited Act of the Thirty-seventh George the Third, Chapter Twenty-one, as relates to taking, killing, destroying, selling, or exposing to Sale any Moor Game, Heath Game, or Grouse between the Tenth Day of December and Twentieth Day of August in any Year, or any Partridge, Landrail, or Quail between the Tenth Day of January and Twentieth Day of September in any Year, shall be and the same is declared to be hereby repealed.

Fixing Periods for shooting Pheasants, Partridges, Landrails, &c. in Ireland.

3. From and after the *passing of this Act*, no Person or Persons shall on any Pretence whatsoever take, kill, or destroy, any Pheasant between the *First Day of February* and the *First Day of October* in any Year, or any Partridge, Landrail, or Quail between the *First Day of February* and the *First Day of September* in any Year, or any Moor Game, Heath Game, or Grouse between the *Tenth Day of December* and the *Twelfth Day of August* in any Year; and if any Person or Persons shall take, kill, or destroy any Pheasant between the *First Day of February* and the *First Day of October* in any Year, or any Partridge, Landrail, or Quail between the *First Day of February* and the *First Day of September* in any Year, or any Moor Game, Heath Game, or Grouse between the *Tenth Day of December* and the *Twelfth Day of August* in any Year, every such Person or Persons shall be liable to the *same Penalty* as by the said Acts is laid upon every Person or Persons transgressing the same, such Penalty to be imposed, inflicted, received, and applied in like Manner, and under the same Rules and Regulations, as in and by the said Acts is directed with respect to the Application of the Forfeitures to be incurred for any Offence against the Game Laws.

4. From

Penalty in case of licensed Dealers in Game and others having Birds of Game in their Possession within prohibited Times.

4. From and after the *passing of this Act*, if any Person licensed to deal in Game shall buy or sell, or knowingly have in his or her House, Shop, Stall, Possession, or Control, any Bird of Game after the Expiration of *Ten Days* (one inclusive and the other exclusive) from the respective Days in each Year on which it shall become unlawful to kill or take such Kinds of Game respectively as aforesaid; or if any Person, not being licensed to deal in Game, shall buy or sell any Bird of Game after the Expiration of *Ten Days* (one inclusive and the other exclusive) from the respective Days in each Year on which it shall become unlawful to kill or take such Birds of Game respectively as aforesaid, or shall knowingly have in his House, Possession, or Control any Bird of Game (except Birds of Game kept in a Mew or Feeding-place) after the Expiration of Forty Days (one inclusive and the other exclusive) from the respective Days in each Year on which it shall become unlawful to kill or take such Birds of Game respectively as aforesaid; every such Person shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit and pay for every Head of Game so bought or sold, or found in his or her House, Shop, Possession, or Control, such Sum of Money, not exceeding *One Pound*, as to the convicting Justices shall seem meet, together with the Costs of the Conviction.

Game (Ireland) (No. 2.)

A

B I L L

To amend the Law regulating the Shooting and Sale of Game in Ireland.

(Prepared and brought in by
Sir Hervey Bruce and Colonel Forde.)

Ordered, by The House of Commons, *to be Printed,*
8 *June* 1864.

[Bill 140.]

Under 1 *oz.*

Gaols Bill.

ARRANGEMENT OF CLAUSES.

Short Title of Act; Sect. 1.

PART I.

Provisions for the better Regulation of Gaols.

Description of Gaols affected by First Part of Act; 2.
Government Allowance withheld from Gaols deficient in Means of enforcing Hard Labour; 3.
Power of Secretary of State to make Rules for Government of Gaols; 4.
Power for Secretary of State to compel Compliance in Gaols with Requirements of the Law; 5.
Cells may be certified for short Periods of separate Confinement; 6.

PART II.

Discontinuance of certain Scheduled Gaols.

Definitions; 7.
Prohibition of Committals to Scheduled Gaols; 8.
Removal of Prisoners in Scheduled Gaols; 9.
Expenses of Prisoners confined in County Gaols under Act; 10.
Sale of discontinued Gaols; 11.
Saving Clause as to Process; 12.

PART III.

Discontinuance of Abingdon Gaol, and General Provisions.

Discontinuance of Abingdon Gaol; 13.
Power to allow Compensation to Persons deprived of Office; 14.
Removal not to be deemed an Escape, &c.; 15.
Preservation of Rights of Creditors; 16.
SCHEDULE.

A

BILL

FOR

Amending the Law relating to Gaols, and for the Discontinuance of certain Gaols.

WHEREAS it is expedient to amend the Law relating to Gaols, and to discontinue certain Gaols that are inadequately provided with Means of regulating the Discipline and Classification of Prisoners: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: **Preamble.**

1. This Act may be cited for all Purposes as "The Gaols Act, 1864." **Short Title of Act.**

PART I.

Provisions for the better Regulation of Gaols.

2. This Part of this Act shall apply to all Prisons, Gaols, and Houses of Correction herein-after included under the Term "Gaols," that are maintained at the Expense of any County, Riding, Parts, Division, or Liberty of a County, or of any County of a City, County of a Town, Borough, or City or Town situate in England, except the Gaols that are directed to be discontinued by the Second and Third Parts of this Act, but not to any other Gaols. **Description of Gaols affected by First Part of Act.**

Government Allowance withheld from Gaols deficient in Means for enforcing Hard Labour.

3. It shall not be lawful for the Commissioners of Her Majesty's Treasury in any Year to pay out of Monies provided by Parliament any Contribution towards the Expenses of maintaining in any Gaol such Prisoners as may be sentenced to Hard Labour, unless a Certificate has been given in that Year by One of Her Majesty's Principal Secretaries of State, stating, with respect to the Gaol in which such Prisoners are confined, the following Things:

(1.) That Means have been provided therein to the Satisfaction of the said Secretary of State for enforcing Hard Labour in the Cases of Prisoners sentenced thereto:

(2.) That Sentences of Hard Labour have in all Cases of Prisoners condemned thereto been carried into effect in such Manner as may appear to the said Secretary of State to fulfil the Requirements of the Law in that Behalf.

Provided,—

1st. That before the Certificate of the said Secretary of State is finally withheld with respect to any Gaol, a Copy of the Report of the Inspector of Prisons relating to that Gaol shall be sent to the Justices or other Authority having the Government or ordering thereof, and also, in the Case of Boroughs or other Places where such last-mentioned Authority has not the Control over the Expenditure required for the Maintenance of such Gaol, another Copy shall be sent to the Council or other Authority having the Control over such Expenditure; and it shall be lawful for any Authority, upon receiving a Copy of the said Report, to address any Explanation relating thereto to the said Secretary of State:

2d. Whenever the Certificate of the Secretary of State is withheld, a Statement of the Grounds on which it is withheld, accompanied with any Explanation relating thereto that may have been addressed to the said Secretary of State, shall be laid before Parliament.

Power of Secretary of State to make Rules for Government of Gaols.

4. Whereas by the Act of the Session of the Fifth and Sixth Years of the Reign of His late Majesty William the Fourth, Chapter Thirty-eight, the Rules in force in all Gaols to which this Part of this Act applies, on the Twenty-fifth of September in each Year, are required to be submitted to One of Her Majesty's Principal Secretaries of State, together with Copies of any proposed Rules: And by the same Act the said Secretary of State is empowered to alter any Rules so submitted to him: Be it enacted, That it shall be lawful for One of Her Majesty's Principal

Secretaries of State, by Writing under his Hand, from Time to Time, and without such Rules being submitted to him, to annul, alter, or add to any Rules for the Time being in force for the Government of any Gaol.

Any Rules made by the said Secretary of State in pursuance of this Section shall be binding upon Sheriffs and all other Persons during the Time that they are in force.

Power for Secretary of State to compel Compliance in Gaols with Requirements of the Law.

5. If at any Time it appear to the said Secretary of State that any Gaol to which this Part of this Act applies is inadequate to give effect to all or any of the Rules prescribed by or under the Authority of the Acts relating to the Government or Discipline of such Gaol, the said Secretary of State may, by Order under his Hand addressed to the Authority of such inadequate Gaol, require that Authority within a Time to be limited by the Order, or such further Time as may be allowed by the said Secretary, to remedy such Inadequacy to his Satisfaction in any Particulars in which the said Secretary may state the Gaol to be inadequate.

If the Authority to whom any such Order may be addressed fails to comply with the Requisitions of the Order, the said Secretary of State may, at any Time after such Failure, by a further Order, addressed to the Keeper of the Gaol, desire him to remove the Prisoners confined in such inadequate Gaol to any other Gaol, (the Authority of which may consent to receive them,) and may direct that the Persons who would otherwise be committed to the said inadequate Gaol shall thenceforth, at all Times or for such Times as may be specified in his Order, be committed to the Gaol of the said consenting Authority, and the said Secretary of State may contract in the Name and on behalf of the Authority of the inadequate Gaol with the consenting Authority for the Lodging and Maintenance of all Prisoners confined in the Gaol of the consenting Authority, in pursuance of such Order as aforesaid.

The said Secretary of State may at any Time revoke any Order made by him under this Section, subject to the Discharge by the Authority of the inadequate Gaol of all Liabilities created by such Order; he may also make a partial Order applying only to particular Prisoners or particular Classes of Prisoners confined in the inadequate Gaol instead of to all the Prisoners confined therein; he may also make his Order conditional or determinable on the Performance or Nonperformance by the Authority of the inadequate Gaol of certain Acts.

A Contract purporting to be signed by the said Secretary of State in the Name or on behalf of the Authority of the inadequate Gaol shall be deemed to be a Contract duly made and executed by the said last-mentioned Authority in manner required by Law to make Contracts binding on that Authority, and shall bind them accordingly; but the said Secretary of State shall not incur any Liability or be subject to any Action, Suit, or other legal Proceedings whatever by reason of his making or signing any Contract under this Section.

All Expenses of moving Prisoners from an inadequate Gaol to another Gaol in pursuance of an Order of the said Secretary of State, and all other Expenses of and incidental to the making of the said Order by the said Secretary of State, and the making and Preparation of any Contract under this Section, and all Expenses of lodging and maintaining Prisoners in pursuance of that Contract, and all other Sums of Money agreed to be paid thereby, shall be defrayed by the Authority of the inadequate Gaol out of any Rate or other Funds leviable for or applicable to the enlarging, rebuilding, or repairing the inadequate Gaol; moreover the said Contract shall, for all Purposes relating to the Committal, Trial, Confinement, and Discharge of Prisoners, and to the Payment of Expenses of such Contract, and for all other Purposes, have the same Incidents and be dealt with in the same Manner as if it were a Contract to the like Effect duly entered into by the Authority of the inadequate Gaol, in pursuance of the Acts of Parliament provided in that Behalf.

The Authority of a Gaol shall, for the Purposes of this Section, be deemed to be the Justices, Council, or other Authority having Power by Law to build, enlarge, or repair that Gaol.

If the Keeper of any Gaol make default in obeying any Order addressed to him by the said Secretary of State in pursuance of this Section, he shall, in addition to any other Punishment to which he may be liable, be subject to a Penalty, to be recovered summarily, not exceeding Twenty Pounds for every Day during which his Default continues.

It shall not be lawful for the Commissioners of Her Majesty's Treasury, after an Order has been made under this Section by the said Secretary of State requiring the Authority of a Gaol to remedy its Inadequacy, to pay, out of Monies provided by Parliament, any Contribution towards the Maintenance of the Prisoners in such Gaol, until it has been certified by the said Secretary that such Inadequacy has been removed to his Satisfaction; but it shall be the Duty of the said Secretary of State to lay a Copy of any such Order as last aforesaid that may be made by him before Parliament within *Six Days* after the making thereof if Parliament be then sitting, or if not, within *Six Days* after the Commencement of the next Session of Parliament.

Cells may be certified for short Periods of separate Confinement.

6. The Inspector of Prisons, in giving a Certificate under the Gaol Acts as to Cells that are fit to be used for separate Confinement, may certify that certain Cells are fit for the separate Confinement of Prisoners for a short Period of Imprisonment, to be specified in such Certificate, and not to exceed in any Case *Three Calendar Months*, although he may not be of opinion that such Cells are fit for the separate Confinement of Prisoners sentenced to long Periods of Imprisonment, and any Cell certified as aforesaid may be used for the separate Confinement of a Prisoner for any Period not exceeding the certified Period, but not for any longer Period.

PART II.

Discontinuance of certain Scheduled Gaols.

Definitions. "Borough:"

7. "Borough" in this Part of this Act means a Place subject to an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Seventy-six, intituled "An Act to provide for the "Regulation of Municipal Corporations in England and "Wales," and the Acts amending the same:

"Scheduled Gaol:"

The Expression "Scheduled Gaol" shall in this Part of this Act mean the Gaol and House of Correction of each of the Boroughs specified in the Schedule annexed hereto, and the Gaol of the Liberty of Romney Marsh:

Special Provision as to Bradninch:

"Bradninch," mentioned in the said Schedule, shall, for the Purposes of this Part of this Act, be deemed to be a Borough as above defined, and the Mayor and the Masters to be the Council of such Borough:

Gaol Authority of Romney Marsh.

"The Gaol Authority of Romney Marsh" shall include the Bailiff and Four Justices of the Liberty of Romney Marsh, and any Authority having Power to levy a Marsh Rate or other Rate for the Support of the Gaol of the said Liberty.

Prohibition of Committals to Scheduled Gaols.

8. After the *passing of this Act*, no Person shall be committed to any Scheduled Gaol.

All Persons who before the passing of this Act might lawfully have been committed to any Scheduled Gaol shall, after the passing thereof, be committed to the Common Gaol of the County in which the said Scheduled Gaol is situated; and such Common Gaol shall, for all Purposes relating to or consequential on the Committal, Trial, Confinement, or Discharge of Prisoners committed thereto in pursuance of this Act, be regarded in Law as if it were the said Scheduled Gaol.

Removal of Prisoners in Scheduled Gaols.

9. As soon as conveniently may be after the passing of this Act the Keeper of each of the said Scheduled Gaols shall, without Writ of Habeas corpus or other Writ for that Purpose, remove every Prisoner confined in such Gaol to the Common Gaol of the County in which the said Scheduled Gaol is situate, and deliver such Prisoner into the Custody of the Keeper of the said County Gaol, together with the Writ and other Process under which the Prisoner was arrested or confined; and the Keeper of the said County Gaol shall give a Receipt to the Keeper of the said Scheduled Gaol for every Prisoner removed in pursuance of this Section.

The Costs of the Removal of any Prisoner, in pursuance of this Act, from a Scheduled Gaol to a County Gaol, shall be defrayed in the same Manner in which the Expenses incurred by the County in relation to Prisoners confined in the Gaol of such County in pursuance of this Act are herein-after directed to be defrayed.

Expenses of Prisoners confined in County Gaols under Act.

10. The Expenses which may be incurred by any County in the Conveyance, Transport, Maintenance, Safe Custody, and Care of every Prisoner confined in pursuance of this Part of this Act in the County Gaol instead of in the Gaol of One of the Boroughs specified in the said Schedules, or in the Gaol of the said Liberty of Romney Marsh, shall be calculated on the same Principle and in the same Manner as is provided by an Act passed in the Session of the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Ninety-eight, intituled "An Act to amend the Laws concerning Prisons," with respect to Borough Prisoners committed to a County Prison where no special Contract is subsisting between such Borough and County relative to such Prisoners.

The Expenses due shall be paid to the Treasurer of the said County in the Case of any of the said Boroughs by the Council of the Borough; and in the Case of the said Liberty of Romney Marsh by the Gaol Authority of Romney Marsh out of the Marsh Gaol Rate or other Rate hitherto leviable by them for the Support of their Gaol.

The Amount of the above Expenses shall in all Cases of Dispute be settled by a Barrister-at-Law in the Manner provided by the said last-mentioned Act, and any Act amending or extending the Powers of the last-mentioned Act.

Every Borough specified in the said Schedule shall be freed from contributing to any Rate in the Nature of a County Rate made for the County in which such Borough is situated, in respect of the Prosecution, Conveyance, and Transport, Maintenance, and Safe Custody and Care of such Prisoners as aforesaid, so long as such Expenses may be defrayed under the Provisions of this Act.

Sale of discontinued Gaols. 4 G. 4. c. 64. 7 G. 4. c. 18.

11. All Powers contained in the Acts of the Fourth and Seventh Years of the Reign of King George the Fourth, Chapters Sixty-four and Eighteen, relating to the Sale of old Prisons no longer necessary, and to the Application of the Purchase Money, shall apply to the Sale of the said Scheduled Gaols, and may be exercised by the Councils of the said Boroughs respectively and the Gaol Authority of Romney Marsh; and all Acts directed in the said Acts of Parliament to be done at any Court of Quarter Sessions may be done, in the Case of any of the said Boroughs, at a Special Meeting of the Council of that Borough holden for the Purpose; and in the Case of the said Liberty of Romney Marsh, by the Bailiff and Four Justices of the said Liberty at any adjourned or other Session held by them.

The Monies arising from the Sale of any of the said Scheduled Gaols may be applied in manner directed by the said Acts, or either of them, or in such other Manner as may be approved of by One of Her Majesty's Principal Secretaries of State on the Application of the Authority who may have sold any such Gaol.

Saving Clause as to Process.

12. All Writs, Process, Warrants, and Authorities authorizing, within any Place to which any of the said Scheduled Gaols belongs, the Arrest of any Person who might, if this Act had not been passed, have been confined in such Gaol, shall be executed within such Place by the same Bailiff or Officer as might have executed the same if this Act had not been passed; and such Bailiff or Officer shall have all such Powers and Authorities for conveying such Person to the Common Gaol of the County as the Bailiffs of the Sheriff have in the Execution of Writs, Process, Warrants, or Authorities for the like Purpose; and the like Penalties and Punishments shall attach in the Case of an Escape or Rescue from the Bailiff or Officer of such Place as aforesaid, or other Interference with such Bailiff or Officer in the Discharge of his Duty, as in the Case of an Escape or Rescue from or like Interference with the Bailiff of the Sheriff.

PART III.

Discontinuance of Abingdon Gaol, and General Provisions.

Discontinuance of Abingdon Gaol.

13. After the passing of this Act no Person shall be committed to the Gaol or House of Correction situate at Abingdon in the County of Berks, and herein-after referred to as Abingdon Gaol, and all Persons who if this Act had not been passed might have been committed to Abingdon Gaol shall be committed to the Gaol and House of Correction of the County of Berks at Reading.

As soon as conveniently may be after the passing of this Act the Keeper of Abingdon Gaol shall, without Writ of Habeas corpus or other Writ for that Purpose, remove every Prisoner confined in that Gaol to the said Gaol at Reading, and deliver such Prisoner into the Custody of the Keeper of the said Gaol at Reading, together with the Writ or Process under which the Prisoner was arrested or confined, and the Keeper of Reading Gaol shall give a Receipt to the Keeper of Abingdon Gaol for every Prisoner removed in pursuance of this Section.

The Justices of the said County of Berks in General or Quarter Sessions assembled may at any Time sell Abingdon Gaol in manner directed by the said Acts of the Fourth and Seventh Years of the Reign of King George the Fourth, Chapters Sixty-four and Eighteen, and may apply the Monies arising from such Sale in manner directed by the said Acts, or in such other Manner as may be approved of by One of Her Majesty's Principal Secretaries of State on the Application of the said Justices.

Power to allow Compensation to Persons deprived of Office.

14. The Council of each of the Boroughs mentioned in the said Schedule, and the Gaol Authority of Romney Marsh, and the Justices of the said County of Berks in General or Quarter Sessions assembled, may allow such Compensation or Superannuation Allowance as they think fit to any Person who, by reason of the passing of this Part of this Act, is deprived of any Salary or Emolument, so that no such Compensation or Superannuation Allowance exceeds the Proportion of the Salary or Emolument which might be granted under similar Circumstances to a Person in the Public Civil Service under the Acts for regulating such Compensations or Superannuation Allowances for the Time being in force; and any Compensation or Superannuation Allowance so allowed shall be paid out of any Rates or Monies leviable by or belonging to the Council or Gaol Authority or Justices making such Allowance.

Removal not to be deemed an Escape, &c.

15. No Removal in pursuance of this Act shall be deemed to be an Escape or Change of legal Custody, and no Keeper of a Gaol removing a Prisoner in pursuance of this Act shall incur any Penalty or be liable to any Action or other legal Proceeding by reason or in consequence of such Removal.

16. Nothing in this Act contained shall affect the Right of any Creditor who may have advanced any Monies for building, repairing, or otherwise for the Purposes of any Gaol discontinued in pursuance of this Act; and it shall be lawful for such Creditor to pursue any Remedies for recovering the Principal or Interest Monies due to him, and to enjoy the Benefit of any Security of which he may be possessed, in the same Manner as if this Act had not passed.

Preservation of Rights of Creditors.

SCHEDULE.

Gaols of	Legal Character of Place.	County.
Aberystwith	Borough	Cardigan.
Bradninch	,,	Devon.
Faversham	,,	Kent.
Helstone	,,	Cornwall.
King's Lynn	,,	Norfolk.
Lichfield	,,	Stafford.
Maldon	,,	Essex.
Newcastle-under-Lyme	,,	Stafford.
Penzance	,,	Cornwall.
Richmond	,,	York.
Romney Marsh	Liberty	Kent.
Rye	Borough	Sussex.
South Molton	,,	Devon.
Tenterden	,,	Kent.
Walsall	,,	Stafford.

Gaols.

A

B I L L

For amending the Law relating to Gaols, and for the Discontinuance of certain Gaols.

(Prepared and brought in by Sir George Grey and Mr. Baring.)

Ordered, by The House of Commons, *to be Printed*,
5 *May* 1864.

[Bill 93.]

Under 2 oz.

Gaols Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble.
Short Title of Act; Sect. 1.
Description of Gaols affected by Act; 2.

PART I.

Provisions for the better Regulation of Gaols.

Government Allowance withheld from Gaols deficient in Means for enforcing Hard Labour; 3.
Power of Secretary of State with respect to the separate Confinement of Prisoners; 4.
Copy of Certificate to be laid before Parliament; 5.
Definition of Gaol Authority; 6.
Cells may be certified for short Periods of separate Confinement; 7.

PART II.

Discontinuance of certain Scheduled Gaols.

Definitions; 8.
Prohibition of Committals to Scheduled Gaols; 9.
Removal of Prisoners in Scheduled Gaols; 10.
Expenses of Prisoners confined in County Gaols under Act; 11.
Sale of discontinued Gaols; 12.
Saving Clause as to Process; 13.
Power to use Scheduled Gaols as Lock-up Houses; 14.

PART III.

Discontinuance of Abingdon Gaol, and General Provisions.

Discontinuance of Abingdon Gaol; 15.
Power to allow Compensation to Persons deprived of Office; 16.
Removal not to be deemed an Escape, &c.; 17.
Preservation of Rights of Creditors; 18.
SCHEDULE.

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

Amending the Law relating to Gaols, and for the Discontinuance of certain Gaols.

Preamble.

WHEREAS it is expedient to amend the Law relating to Gaols, and to discontinue certain Gaols that are inadequately provided with Means of regulating the Discipline and Classification of Prisoners: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

1. This Act may be cited for all Purposes as "The Gaols Act, 1864."

Description of Gaols affected by Act.

2. This Act shall apply to all Prisons, Gaols, and Houses of Correction herein-after included under the Term "Gaols," that are maintained at the Expense of any County, Riding, Parts, Division, or Liberty of a County, or of any County of a City, County of a Town, Borough, or City or Town situate in England.

PART I.

Provisions for the better Regulation of Gaols.

Government Allowance withheld from Gaols deficient in Means for enforcing Hard Labour.

3. It shall not be lawful for the Commissioners of Her Majesty's Treasury in any Year to pay out of Monies provided by Parliament any Contribution towards the Expenses of maintaining in any Gaol such Prisoners as may be sentenced to Hard Labour, unless a Certificate has been given in that Year by One of Her Majesty's Principal Secretaries of State, stating, with respect to the Gaol in which such Prisoners are confined, the following Things:

(1.) That Means have been provided therein to the Satisfaction of the said Secretary of State for enforcing Hard Labour in the Cases of Prisoners sentenced thereto:

(2.) That Sentences of Hard Labour have in all Cases of Prisoners condemned thereto been carried into effect in such Manner as may appear to the said Secretary of State to fulfil the Requirements of the Law in that Behalf.

Provided,—

1st. That before the Certificate of the said Secretary of State is finally withheld with respect to any Gaol, a Copy of the Report of the Inspector of Prisons relating to that Gaol shall be sent to the Justices or other Authority having the Government or ordering thereof, and also, in the Case of Boroughs or other Places where such last-mentioned Authority has not the Control over the Expenditure required for the Maintenance of such Gaol, another Copy shall be sent to the Council or other Authority having the Control over such Expenditure; and it shall be lawful for any Authority, upon receiving a Copy of the said Report, to address any Explanation relating thereto to the said Secretary of State:

2d. Whenever the Certificate of the Secretary of State is withheld, a Statement of the Grounds on which it is withheld, accompanied with any Explanation relating thereto that may have been addressed to the said Secretary of State, shall be laid before Parliament.

Power of Secretary of State with respect to the separate Confinement of Prisoners.

4. If at any Time it appear to the said Secretary of State that in any Gaol the Number of Cells duly certified by the Inspector in pursuance of this Act and the Act of the Session of the Second and Third Years of the Reign of Her present Majesty, Chapter Fifty-six, to be fit for the separate Confinement of Prisoners, is not, in the Opinion of the said Secretary of State, sufficient to carry into effect the individual Separation in certified Cells of Prisoners in that Gaol, having regard to the average Number of Prisoners confined in that Gaol, the said Secretary of State may, by Notice under his Hand, addressed to the Authority of that Gaol, require that Authority within a reasonable Time, to provide a Number of Cells, to be certified as aforesaid, sufficient to carry into effect such individual Separation of Prisoners in certified Cells, or to exercise the Powers given to such Authority by Act of Parliament of contracting for the Removal of the whole or a Number of its Prisoners proportioned to the Insufficiency of its Prison in respect of the said certified Cells, to some other Gaol where Means exist for carrying into effect the individual Separation of Prisoners in certified Cells; and if any Gaol Authority to whom any such Notice is given fail to comply with the Requisition thereby made, the said Secretary of State shall certify to the Commissioners of Her Majesty's Treasury the Extent to which that Authority is in default in respect of providing a Sufficiency of the said certified Cells, and thereupon, and to the Extent so certified, the said Commissioners shall withhold the Contribution that would otherwise be payable out of Monies provided by Parliament towards the Maintenance of the Prisoners in such Gaol, until the said Secretary has again certified that the Authority in default has provided the required Cells.

Copy of Certificate to be laid before Parliament.

5. A Copy of any Certificate, having for its Object the withholding on the Part of the Commissioners of the Treasury of the said Contribution to any Gaol, accompanied with the Grounds on which the Certificate was given, and any Explanation relating thereto that may be addressed by the Gaol Authority to the said Secretary of State, shall be laid before Parliament.

Definition of Gaol Authority.

6. The Authority of a Gaol shall for the Purposes of this Act be deemed to be the Justices, Council, or other Authority having Power by Law to build, enlarge, or repair a Gaol.

Cells may be certified for short Periods of separate Confinement.

7. The Inspector of Prisons, in giving a Certificate under the Gaol Acts as to Cells that are fit to be used for separate Confinement, may certify that certain Cells are fit for the separate Confinement of Prisoners for a short Period of Imprisonment, to be specified in such Certificate, and not to exceed in any Case Three Calendar Months, although he may not be of opinion that such Cells are fit for the separate Confinement of Prisoners sentenced to long Periods of Imprisonment, and any Cell certified as aforesaid may be used for the separate Confinement of a Prisoner for any Period not exceeding the certified Period, but not for any longer Period.

PART II.

Discontinuance of certain Scheduled Gaols.

Definitions. "Borough:"

8. "Borough" in this Part of this Act means a Place subject to an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Seventy-six, intituled "An Act to provide for the "Regulation of Municipal Corporations in England and "Wales," and the Acts amending the same:

"Scheduled Gaol:"

The Expression "Scheduled Gaol" shall in this Part of this Act mean the Gaol and House of Correction of each of the Boroughs specified in the Schedule annexed hereto, and the Gaol of the Liberty of Romney Marsh, and "Gaol" shall include House of Correction:

Special Provision as to Bradninch:

"Bradninch," mentioned in the said Schedule, shall, for the Purposes of this Part of this Act, be deemed to be a Borough as above defined, and the Mayor and the Masters to be the Council of such Borough:

Gaol Authority of Romney Marsh.

"The Gaol Authority of Romney Marsh" shall include the Bailiff and Four Justices of the Liberty of Romney Marsh, and any Authority having Power to levy a Marsh Rate or other Rate for the Support of the Gaol of the said Liberty.

Prohibition of Committals to Scheduled Gaols.

9. After the First Days of January One thousand eight hundred and sixty-five no Person shall be committed to any Scheduled Gaol.

All Persons who before the passing of this Act might lawfully have been committed to any Scheduled Gaol shall, after the passing thereof, be committed to the Gaol of the County in which the said Scheduled Gaol is situated; and such County Gaol shall, for all Purposes relating to or consequential on the Committal, Trial, Confinement, or Discharge of Prisoners committed thereto, in pursuance of this Act, be regarded in Law as if it were the said Scheduled Gaol.

Removal of Prisoners in Scheduled Gaols.

10. As soon as conveniently may be after the said First Day of January One thousand eight hundred and sixty-five, the Keeper of each of the said Scheduled Gaols shall, without Writ of Habeas Corpus or other Writ for that Purpose, remove every Prisoner under Sentence or committed for Trial in such Gaol to the Gaol of the County in which the said Scheduled Gaol is situate, and deliver such Prisoner into the Custody of the Keeper of the said County Gaol, together with the Writ and other Process under which the Prisoner was arrested or confined; and the Keeper of the said County Gaol shall be bound to receive such Prisoner, and shall give a Receipt to the Keeper of the said Scheduled Gaol for every Prisoner removed in pursuance of this Section.

The Costs of the Removal of any Prisoner, in pursuance of this Act, from a Scheduled Gaol to a County Gaol, shall be defrayed in the same Manner in which the Expenses incurred by the County in relation to Prisoners confined in the Gaol of such County in pursuance of this Act are herein-after directed to be defrayed.

Expenses of Prisoners confined in County Gaols under Act.

11. The Expenses which may be incurred by any County in the Conveyance, Transport, Maintenance, Safe Custody, and Care of every Prisoner confined in pursuance of this Part of this Act in the County Gaol instead of in the Gaol of One of the Boroughs specified in the said Schedules, or in the Gaol of the said Liberty of Romney Marsh, shall be calculated on the same Principle and in the same Manner as is provided by an Act passed in the Session of the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Ninety-eight, intituled "An Act to amend the Laws concerning Prisons," with respect to Borough Prisoners committed to a County Prison where no special Contract is subsisting between such Borough and County relative to such Prisoners.

The Expenses due shall be paid to the Treasurer of the said County in the Case of any of the said Boroughs by the Council of the Borough; and in the Case of the said Liberty of Romney Marsh by the Gaol Authority of Romney Marsh out of the Marsh Gaol Rate or other Rate hitherto leviable by them for the Support of their Gaol.

The Amount of the above Expenses shall in all Cases of Dispute be settled by a Barrister-at-Law in the Manner provided by the said last-mentioned Act, and any Act amending or extending the Powers of the last-mentioned Act.

Every Borough specified in the said Schedule shall be freed from contributing to any Rate in the Nature of a County Rate made for the County in which such Borough is situated, in respect of the Prosecution, Conveyance, and Transport, Maintenance, and Safe Custody and Care of such Prisoners as aforesaid, so long as such Expenses may be defrayed under the Provisions of this Act.

Sale of discontinued Gaols.
4 G. 4. c. 64.
7 G. 4. c. 18.

12. All Powers contained in the Acts of the Fourth and Seventh Years of the Reign of King George the Fourth, Chapters Sixty-four and Eighteen, relating to the Sale of old Prisons no longer necessary, and to the Application of the Purchase Money, shall apply to any Sale that may be made of the said Scheduled Gaols or any of them, and may be exercised by the Councils of the said Boroughs respectively and by the Gaol Authority of Romney Marsh; and all Acts directed in the said Acts of Parliament to be done at any Court of Quarter Sessions may be done, in the Case of any of the said Boroughs, at a Special Meeting of the Council of that

Borough holden for the Purpose; and in the Case of the said Liberty of Romney Marsh, by the Bailiff and Four Justices of the said Liberty at any adjourned or other Session held by them.

The Monies arising from the Sale of any of the said Scheduled Gaols may be applied in manner directed by the said Acts, or either of them, or in such other Manner as may be approved of by One of Her Majesty's Principal Secretaries of State on the Application of the Authority who may have sold any such Gaol.

Saving Clause as to Process.

13. All Writs, Process, Warrants, and Authorities authorizing, within any Place to which any of the said Scheduled Gaols belongs, the Arrest of any Person who might, if this Act had not been passed, have been confined in such Gaol, shall be executed within such Place by the same Bailiff or Officer as might have executed the same if this Act had not been passed; and such Bailiff or Officer shall have all such Powers and Authorities for conveying such Person to the Gaol of the County as the Bailiffs of the Sheriff have in the Execution of Writs, Process, Warrants, or Authorities for the like Purpose; and the like Penalties and Punishments shall attach in the Case of an Escape or Rescue from the Bailiff or Officer of such Place as aforesaid, or other Interference with such Bailiff or Officer in the Discharge of his Duty, as in the Case of an Escape or Rescue from or like Interference with the Bailiff of the Sheriff.

Power to use Scheduled Gaols as Lock-up Houses.

14. Notwithstanding anything contained in this Act, any of the said Scheduled Gaols may, with the Sanction of the said Secretary of State, be used as Police Station Houses, Lock-up Houses, or other Places for the temporary Confinement of Persons taken into Custody, and not yet committed for Trial, or in execution of any Sentence.

PART III.

Discontinuance of Abingdon Gaol, and General Provisions.

Discontinuance of Abingdon Gaol.

15. After the First Day of January One thousand eight hundred and sixty-five, no Person shall be committed to the Gaol or House of Correction situate at Abingdon in the County of Berks, and herein-after referred to as Abingdon Gaol, and all Persons who if this Act had not been passed might have been committed to Abingdon Gaol shall be committed to the Gaol and House of Correction of the County of Berks at Reading.

As soon as conveniently may be after the passing of this Act the Keeper of Abingdon Gaol shall, without Writ of Habeas corpus or other Writ for that Purpose, remove every Prisoner confined in that Gaol to the said Gaol at Reading, and deliver such Prisoner into the Custody of the Keeper of the said Gaol at Reading, together with the Writ or Process under which the Prisoner was arrested or confined, and the Keeper of Reading Gaol shall be bound to receive such Prisoner, and shall give a Receipt to the Keeper of Abingdon Gaol for every Prisoner removed in pursuance of this Section.

The Justices of the said County of Berks in General or Quarter Sessions assembled may at any Time sell Abingdon Gaol in manner directed by the said Acts of the Fourth and Seventh Years of the Reign of King George the Fourth, Chapters Sixty-four and Eighteen, and may apply the Monies arising from such Sale in manner directed by the said Acts, or in such other Manner as may be approved of by One of Her Majesty's Principal Secretaries of State on the Application of the said Justices.

Power to allow Compensation to Persons deprived of Office.

16. The Council of each of the Boroughs mentioned in the said Schedule, and the Gaol Authority of Romney Marsh, and the Justices of the said County of Berks in General or Quarter Sessions assembled, may allow such Compensation or Superannuation Allowance as they think fit to any Person who, by reason of the passing of this Part of this Act, is deprived of any Salary or Emolument, so that no such Compensation or Superannuation Allowance exceeds the Proportion of the Salary or Emolument which might be granted under similar Circumstances to a Person in the Public Civil Service under the Acts for regulating such Compensations or Superannuation Allowances for the Time being in force; and any Compensation or Superannuation Allowance so allowed shall be paid out of any Rates or Monies leviable by or belonging to the Council or Gaol Authority or Justices making such Allowance.

Removal not to be deemed an Escape, &c.

17. No Removal in pursuance of this Act shall be deemed to be an Escape or Change of legal Custody, and no Keeper of a Gaol removing a Prisoner in pursuance of this Act shall incur any Penalty or be liable to any Action or other legal Proceeding by reason or in consequence of such Removal.

Preservation of Rights of Creditors.

18. Nothing in this Act contained shall affect the Right of any Creditor who may have advanced any Monies for building, repairing, or otherwise for the Purposes of any Gaol discontinued in pursuance of this Act; and it shall be lawful for such Creditor to pursue any Remedies for recovering the Principal or Interest Monies due to him, and to enjoy the Benefit of any Security of which he may be possessed, in the same Manner as if this Act had not passed.

SCHEDULE.

Gaols of	Legal Character of Place.	County.
Aberystwith - - -	Borough - -	Cardigan.
Bradninch - - -	„ - -	Devon.
Faversham - - -	„ - -	Kent.
Helstone - - -	„ - -	Cornwall.
King's Lynn - - -	„ - -	Norfolk.
Lichfield - - -	„ - -	Stafford.
Maldon - - -	„ - -	Essex.
Newcastle-under-Lyme -	„ - -	Stafford.
Penzance - - -	„ - -	Cornwall.
Richmond - - -	„ - -	York.
Romney Marsh - -	Liberty - -	Kent.
Rye - - -	Borough - -	Sussex.
South Molton - - -	„ - -	Devon.
Tenterden - - -	„ - -	Kent.
Walsall - - -	„ - -	Stafford.

Gaols.

A

B I L L

[AS AMENDED IN COMMITTEE]

For amending the Law relating to Gaols, and for the Discontinuance of certain Gaols.

(Prepared and brought in by
Sir George Grey and Mr. Baring.)

Ordered, by The House of Commons, *to be Printed*,
29 *June* 1864.

[Bill 180.]

Under 2 *oz.*

11 *February* 1864. 27 VICT.

A

BILL

TO

Amend the Law relating to the Purchase of Government Annuities through the Medium of Savings Banks.

Preamble.

16 & 17 Vict. c. 45.

WHEREAS under the Act Sixteenth and Seventeenth Victoria, Chapter Forty-five, Deferred Annuities of small Amounts can only be granted upon the Condition that the full Amount required to purchase such Annuities shall be paid in One Sum, or by annual Payments during a Course of Years fixed at the Time of Purchase: And whereas it is expedient to amend the said Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Deferred Annuities may be granted on condition that Sum required under recited Act may be payable in smaller Instalments.

1. Deferred Annuities, authorized to be granted by the Second Section of the said Act, may be granted upon the Condition, to be fixed at the Time of Purchase, that the Sum required under the said Act to purchase such Annuity shall be payable in smaller Instalments, and at shorter Periods, than are now fixed by the said Act.

Portion of 10th Section of recited Act repealed.

2. So much of the Tenth Section of the said Act as requires that a Deferred Annuity shall be purchased by any Person who has contracted with the Commissioners for the Reduction of the National Debt for Payment of a Sum of Money on Death shall be and the same is hereby repealed.

Commissioners for Reduction of National Debt to regulate Instalments.

3. The Commissioners for the Reduction of the National Debt, with the Consent of the Commissioners of Her Majesty's Treasury, may make Regulations for fixing the Amounts of the several Instalments, and the Periods at which such Instalments shall be paid, in respect of the Purchase Money payable upon all Contracts which shall be made under the Authority of this Act.

Government Annuities.

A

B I L L

To amend the Law relating to the Purchase of Government Annuities through the Medium of Savings Banks.

(*Prepared and brought in by*
Mr. Chancellor of the Exchequer and Mr. Peel.)

Ordered, by The House of Commons, *to be Printed*,
11 *February* 1864.

[Bill 11.]

Under 1 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Grant additional Facilities for the Purchase of small Government Annuities, and for assuring Payments of Money on Death.

Preamble.
16 & 17 Vict. c. 45.

WHEREAS under the Act Sixteenth and Seventeenth Victoria, Chapter Forty-five, Deferred Annuities of small Amounts can only be granted upon the Condition that the full Amount required to purchase such Annuities shall be paid in One Sum, or by annual Payments during a Course of Years fixed at the Time of Purchase: And whereas under the said Act Contracts for Payment of a Sum of Money on Death cannot be entered into except upon the Condition that the Party contracting for such Payment on Death shall at the same Time purchase a Deferred Annuity depending upon his or her own Life: And whereas it is expedient to amend the said Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Deferred Annuities may be granted on

1. Deferred Annuities, authorized to be granted by the Second Section of the said Act, may be granted upon the Condition, to be condition that Sum required under recited Act may be payable in smaller Instalments.

be fixed at the Time of Purchase, that the Sum required under the said Act to purchase such Annuity shall be payable in smaller Instalments and at shorter Periods than are now fixed by the said Act.

CLAUSE A. Limit to Amount of Annuities.

2. Annuities authorized to be granted under the Second Section of the said Act may be granted in Amounts exceeding the Limit of Thirty Pounds fixed by the said Act, but no such Annuity shall be granted to any One Person to an Amount exceeding Fifty Pounds per Annum.

Portion of 10th Section of recited Act repealed.

3. So much of the Tenth Section of the said Act as requires that a Deferred Annuity shall be purchased by any Person contracting with the Commissioners for the Reduction of the National Debt for Payment of a Sum of Money on Death shall be and the same is hereby repealed.

CLAUSE B. Limit on Age of Persons insured.

4. No Contract for a Payment on Death shall be entered into by or on behalf of any Person under the Age of Sixteen or over the Age of Sixty Years.

CLAUSE C. Limit of Sum insured.

5. No Contracts for Payment to be made on the Death of any One Person under this and the said Act shall be for a greater Amount in the whole than One hundred Pounds, or of a less Amount than Twenty Pounds.

CLAUSE D. Power to construct fresh Tables for Annuities and Insurances.

6. Whereas by the Sixteenth Section of the said Act it is enacted, that the Commissioners of Her Majesty's Treasury may from Time to Time direct the Commissioners for the Reduction of the National Debt to use and adopt such Tables as shall from Time to Time be authorized and approved of by the said Commissioners of the Treasury for the Grant of Annuities and for Payment of Sums of Money to be secured at Death under the Provisions of the said Act: And whereas it is expedient that the Fund to be formed by the Receipt of Sums on account of all such Contracts effected under the said Act and this Act shall be adequate to meet all Claims accruing and to accrue thereon, so as to render certain the Fulfilment of all Engagements to Persons contracting for such Annuities or Payments on Death, or for any Compositions or Sums agreed to be granted upon the Lapse of any Contract, without entailing any Charge in respect thereof, or in respect of Costs and Expenses on the Consolidated Fund of the United Kingdom: Be it enacted, therefore, That the said Commissioners of Her Majesty's Treasury shall cause Tables to be constructed in accordance with the Principles above recited, upon which Annuities or Payments on Death shall be contracted for under the said Act and this Act, and the said Tables shall be framed, first, for such Contracts as shall provide for the Consideration Money in One Sum; second, for such Contracts as shall provide for the like Payments in annual Sums; and, third, for such Contracts as shall provide for the like Payments by more frequent Instalments; and such Tables, when the Commissioners of Her Majesty's Treasury have approved of the same, shall, together with a Statement of the Rules observed in constructing them, be laid before both Houses of Parliament for Thirty Days before they shall be acted upon; and if any Address shall be presented to Her Majesty from either House of Parliament praying that such Tables may be revoked and cancelled, such Tables shall be revoked and cancelled accordingly; and thereupon the Commissioners of Her Majesty's Treasury shall order other Tables to be framed for their Approval in lieu of the Tables so revoked and cancelled. The Tables for Payments on Death shall be calculated, so far as the Interest of Money is concerned, at the Rate of Three per Centum per Annum.

CLAUSE E.
Application of Tables.

7. Until the Tables made in pursuance of this Act can be legally acted on, this Act shall not come into force so far as to enable any Grant to be made of an Insurance on the Life of any Person or any Grant to be made of any Annuity the Consideration Money for which is paid by Instalments more frequent than annual Instalments.

CLAUSE F.
Provision in case of Default by Purchasers after Five Years Payments.

8. In case any Person who shall contract under the Provisions of the said Act and of this Act for a Payment to be made at Death, after having paid the several Premiums for a Period of not less than Five Years, shall desire to surrender his Policy, or shall make default in the Payments stipulated to be made according to the Contract, the Commissioners for the Reduction of the National Debt, at the Option of the Party beneficially interested in the Contract, shall pay to such Person such Sum of Money, not being less than One Third of the Premiums paid by him, as shall be fixed by the Regulations authorized to be framed under the Provisions of this Act, or shall grant to him such a paid-up Policy of Assurance, or such an Immediate or Deferred Life Annuity, under the Tables in force under the Authority of the said Act or this Act, as shall be equivalent in Value to the Sum which under the Provisions of this Act would be paid to him in Money; but it shall also be lawful for the said Commissioners, if they think fit, to enter into Contracts for Payments to be made at Death, on the Condition that no Portion of the Premiums paid are to be returnable; and no

Premium shall be returned in pursuance of this Section in respect of any Contract so made.

Clause G. Purchasers liable to Provisions of existing Savings Banks Acts.

9. For the Purposes of this Act and of the said Act, every Person purchasing an Annuity, or having purchased the same under the Provisions of the said Act, or contracting for the Payment of a Sum of Money on his or her Death, shall be considered as a Depositor in a Savings Bank; and all the Provisions of the Acts now in force relating to Savings Banks, in as far as the same can or may be applicable, shall apply to the Parties having purchased or purchasing such Annuities, or contracting for the Payment of Money on Death, and to the Rules and Regulations to be made for carrying the same into effect: Provided always, that nothing in this Act or the said Act contained shall be held to exempt any Person or Persons entering into a Contract for a Payment on Death, or any Person or Persons becoming beneficially interested therein, from Probate or any Stamp Duty payable by Law.

Clause H. Jurisdiction of County Court.

10. If Payment of any Sum of Money due on a Contract made under this Act for Payment of Money on Death shall be refused by the Commissioners for the Reduction of the National Debt, the Party beneficially interested therein may, if he think fit, instead of proceeding to Arbitration in manner provided by the said Savings Banks Acts, take Proceedings against the said Commissioners for the Reduction of the National Debt in the County Court of the District in which such Contract was entered into, or with the Consent of the said Commissioners in any other County Court in the Jurisdiction of which such Party may be resident, for the Recovery of the Amount; and any County Court in which Proceedings under this Section may be taken shall have Jurisdiction in the Matter, and the Decision thereupon shall be final and binding on all Parties to all Intents and Purposes, and without any Appeal; and for the Purposes of this Act the Contract shall be deemed to have been entered into at the Place where the Party insured resided at the Time at which the Contract bears Date. For the Purpose of Arbitration under the said Acts relating to Savings Banks, the said Commissioners shall when necessary be deemed to be in the Place of the Trustees of the Savings Banks.

Clause I. Assignment of Contracts.

11. Any Person who shall contract under the Provisions of this Act and of the said Act for a Payment to be made at Death may, after having duly paid for Five Years or upwards the Premiums thereon, assign his Right and Interest therein, upon Payment of such Fee as shall be fixed by Regulations made under the Authority of this Act. The Assignee of such Contract shall take, both at Law and in Equity, all such Right and Interest therein, including the Right to sue, as was possessed by the Assignor, but no other or greater Right or Interest.

CLAUSE K.
No Notice of Trusts.

12. The Commissioners shall not, except in so far as is provided by the said Act, receive or be affected by Notice, however given, of any Trust affecting any Annuity or any Contract for Payment on Death, made in pursuance of this and the said Act.

Commissioners for Reduction of National Debt to regulate Instalments.

13. The Commissioners for the Reduction of the National Debt, with the Consent of the Commissioners of Her Majesty's Treasury, may make Regulations for fixing the Amounts of the several Instalments and Premiums, and the Periods at which such Instalments and Premiums shall be paid, in respect of the Purchase Money payable upon all Contracts which shall be made under the Authority of this and the said Act, but so as not to affect any Contract previously made; and no Sum in respect of Instalments or Premiums payable at any One Time shall be of less Amount than Two Shillings.

CLAUSE L.
Power of Postmaster to make Regulations.

14. The Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury, may, if he shall think fit, authorize and direct such of his Officers as he may select to receive such Monies as may become payable upon Contracts entered into under this and the said Act for Investment with the Commissioners for the Reduction of the National Debt, and to pay on behalf of the said Commissioners all such Monies as may become due and payable under such Contracts.

CLAUSE M.
Power of Commissioners to give Authority to Trustees of Savings Banks.

15. The Commissioners for the Reduction of the National Debt may, in like Manner, with the Consent of the said Commissioners of Her Majesty's Treasury, if they shall think fit, authorize the Trustees of Savings Banks established under the Act of the Twenty-sixth and Twenty-seventh Victoria, Chapter Eighty-seven, with Consent of such Trustees, to receive such Monies as may become payable upon Contracts entered into under this Act for Remittance to the Commissioners for the Reduction of the National Debt, and to pay on behalf of the said Commissioners all such Monies as may become due and payable under such Contracts, and may make to the said Trustees a reasonable Allowance for their Expenses, in respect of such Transactions, out of the Monies so received and paid over by the said Trustees to the said Commissioners.

Clause N.
Power of Postmaster General to make Regulations.

16. The Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury, may make all Regulations for carrying out the Provisions of this Act, in so far as his Department is concerned; and the Commissioners for the Reduction of the National Debt, with the Consent of the said Commissioners of Her Majesty's Treasury, may make Regulations for carrying out the Provisions of this Act so far as the Trustees of Savings Banks are concerned, and also for the Execution of Contracts on behalf of the said Commissioners, by any Officer or Officers appointed by the said Commissioners for that Purpose, or appointed by the Postmaster General, with the Consent of the said Commissioners; and all Regulations made by the said Postmaster General and the said Commissioners for the Reduction of the National Debt respectively shall be binding to the same Extent as if such Regulations formed Part of this Act; and Copies of all Regulations issued under the Authority of this Act shall be laid before both Houses of Parliament.

Clause O.
Accounts of Postmaster and Commissioners.

17. The annual Accounts of the Postmaster General and of the Commissioners for the Reduction of the National Debt to the Thirty-first Day of December in each Year, in respect to all Monies received or invested under the Authority of this Act, shall annually, prior to the Thirty-first Day of March in each Year, be submitted by the said Postmaster General and by the said Commissioners for Examination and Audit to the Commissioners for auditing Public Accounts.

Government Annuities, &c.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To grant additional Facilities for the Purchase of small Government Annuities, and for assuring Payments of Money on Death.

(*Prepared and brought in by*
Mr. Chancellor of the Exchequer and Mr. Peel.)

Ordered, by The House of Commons, *to be Printed,*
23 *May* 1864.

[Bill 114.]

Under 1 *oz.*

Grand Juries (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Grand Juries shall have no Power to make Presentments for Public Works or for raising Money; Sect. 1.

Number of Cesspayers on the Baronial Board to be determined by the Lord Lieutenant; 2.

Lord Lieutenant to appoint Times and Places for Election of County Boards; 3.

Justices possessing Lands liable to County Cess to elect annually from themselves certain Members of County Board; 4.

Justices to elect from amongst themselves Members of Baronial Board; 5.

Qualification of elected Ratepayers; 6.

Election by Voting Papers; 7.

Constitution of County Board; 8.

Peers to be eligible on Baronial and County Boards; 9.

Rotation of Members of County and Baronial Boards; 10.

Supply of occasional Vacancies; 11.

The County Board to be a Corporation; 12.

Baronial Board to perform Duties of Presentment Sessions; 13.

Baronial Board for the County at large Presentment Board; 14.

Cesspayers to have Votes according to Scale in Schedule; 15.

Votes of joint Ratepayers; 16.

District Board first elected to continue One Year, and until following; 17.

Baronial quarterly Boards to meet in and ; 18.

Chairman and Vice-Chairman to be elected. If both absent, a Chairman of Meeting to be elected. Chairman to have a Casting Vote. Meetings of County and Baronial Boards may be adjourned, and shall be public; 19.

Declaration to be made by Members of County and Baronial Boards; 20.

Secretaries of County Boards; 21.

County Boards may appoint Bank for Deposit of County Monies after Vacancy in Office of County Treasurers; 22.

Powers of Grand Juries to make Presentments transferred to County Board; 23.

Power for County Boards to redeem Tolls payable on certain Bridges; 24.

County and Baronial Boards to exercise Powers under "The Land Drainage (Ireland) Act, 1863,"; 25.

County Boards to appoint Representatives on Boards of Governors of Lunatic Asylums; 26.

Act not to extend to certain Places; 27.

SCHEDULES.

25 *February* 1864. 27 Vict.

(Ireland.)

A

BILL

TO

Amend the Laws relating to Grand Juries in Ireland.

WHEREAS it is expedient that better Provision should be made for the Administration of the Fiscal Affairs of Counties, Counties of Cities and Counties of Towns, in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. From and after the *Commencement of this Act*, it shall not be lawful for any Grand Jury of any County, County of a City or County of a Town, (except the County of the City of Dublin,) at any Assizes or Presenting Term, to make any Presentment for the Execution of any public Work whatsoever, or for raising or levying any Money whatsoever, or to make any Presentment relating to any of the Fiscal Concerns of such County, County of a City or County of a Town. Grand Juries shall have no Power to make Presentments for Public Works or for raising Money.

2. Within *One Month* after the passing of this Act the Lord Lieutenant of Ireland shall fix and determine the Number of Cesspayers (with reference to the Extent and Circumstances of each particular Barony) Number of Cesspayers on the Baronial Board to be determined by the Lord Lieutenant.

Barony) who shall be associated with not more than an equal Number of elected Magistrates for the Purpose of forming Barony Boards in every County.

The Number of elected Ratepayers not in any Case to be less than *Six* or to exceed *Nine.* The Board so formed to constitute the Presentment Sessions for the Barony, and to have Power to appoint a Sub-Committee from their Number to inspect and report on the State of the Roads in the Barony as well as on Works in progress, and to meet at least *once in Three Months*, or as often as may be necessary.

Constitution of Boards for Administration.

Lord Lieutenant to appoint Times and Places for Election of County Boards.

3. The Lord Lieutenant of Ireland shall, within *Two Calendar Months* after the passing of this Act, by any Order or Orders to be *twice* published in the Dublin Gazette and in *One* or more Newspapers circulating in the respective County to which the same may relate, appoint a Time and Place for the first Election of Members of a County Board for each County, County of a City and County of a Town, in Ireland, (provided that the Time so appointed shall not be sooner than   or later than   from the first Publication of such Order, and that the Place so appointed shall be within the Precincts of such County, County of a City or County of a Town respectively), and also shall fix the Number of Representatives of each Barony Board to be elected in the Manner herein-after mentioned.

Justices possessing Lands liable to County Cess to elect annually from themselves certain Members of County Board.

4. On such Day and at such Place as shall have been appointed respectively as herein-before provided, the several Justices of the Peace of each Barony (not being Stipendiary Magistrates), possessing Lands or Messuages either in their own Occupation or in that of their Tenants within the Barony, and which shall have been assessed and liable to the Payment of County Cess under the last Warrant for the Time being issued for the Collection of County Cess for such County previous to such Meeting, shall and they are hereby required to assemble, and elect out of their Number by Ballot *One* Person, and in the Case of any County of a City or County of a Town which shall be a Barony of itself shall elect not less than *Six* or more than *Twelve* Justices out of their Number, to be Members of the County Board of such County, County of a City or County of a Town, as the Case may be, and so in like Manner on the   in every succeeding Year the Justices of the Peace so qualified for the Time being as aforesaid shall assemble and elect out of their Number the required Number of Justices respectively as aforesaid; and the Person or Persons so elected shall, together with the other elected Representatives herein-after mentioned of such County, County of a City or County of a Town, constitute a County Board for the Administration of the Fiscal Affairs of such County, County of a City or County of a Town respectively, pursuant to the Provisions herein-after contained, until the next ensuing Election of a County Board.

5. The Justices assembled for the Purpose of electing a Representative for the County Board shall at same Time elect by Ballot Members to represent them on the Baronial Board, the Number not to exceed that of the elected Ratepayers, and in the event of there not being sufficient Justices resident in or possessed of Lands within the Barony to make up the required Number, the Justices shall then select for that Purpose by Ballot the requisite Number from the Ratepayers at large of the Barony, as herein-after provided:

Justices to elect from amongst themselves Members of Baronial Board.

The Number of Ratepayers to be elected to the County Board shall not exceed One for each Barony.

6. Every Person elected by the Ratepayers to the County Board shall be Owner or Occupier of Lands or Messuages assessed to the Value of *Fifty Pounds* in the County, if in a County, and if in a County of a City or Town of Lands or Messuages assessed to the Value of *Twenty Pounds.*

Qualification of elected Ratepayers.

Every Person elected to the Baronial Board shall be the Owner or Occupier of Lands or Messuages assessed to the Value of *Twenty Pounds* in the County, and in the County of a City or Town of Lands or Messuages to the Value of *Ten Pounds.*

7. The Secretary to the County Board shall cause to be left by the Constabulary at the Residence of every Person entitled to vote, *Two* Forms of Voting Papers (as in Schedule B.), one to be used for recording the Vote or Votes for a Member to serve on the County Board, and the other for like Purpose for the Members to serve on the Baronial Board. The said Papers to be again collected by the Constabulary, and delivered by them, at the Time and Place appointed, to the Secretary of the County Fiscal Board; and the said Papers shall be then examined by him at the First Election in the Presence of a Magistrate or an associated Ratepayer, and at all subsequent Elections in the Presence of a Magistrate or an elected Ratepayer, and the Members so elected to the respective Boards declared.

Election by Voting Papers.

In the event of a Difficulty arising from an Equality of Votes, the Person to be selected shall be decided by Lot.

8. The Ratepayers elected to serve on the County Fiscal Board in the Manner before mentioned shall, together with the Justices, constitute a County Board for the Administration of the Fiscal Affairs of such County, County of a City or County of a Town respectively, pursuant

Constitution of County Board.

pursuant to the Provisions herein-after contained, until the next ensuing Election of a County Board.

Peers to be eligible on Baronial and County Boards.

9. From and after the *passing of this Act*, notwithstanding anything to the contrary contained in any Act of Parliament, all Peers, being duly qualified, shall be eligible to be elected and serve on any County and Baronial Board.

Rotation of Members of County and Baronial Boards.

10. *One Half* of the Members of each Baronial Board and of each County Board, consisting respectively of an equal Number of Justices and Ratepayers, shall go out of Office annually by Rotation, but be eligible for Re-election, the Individuals to retire the First Year to be determined by Lot amongst themselves, unless they shall otherwise agree at the last Ordinary Meeting of the Board previous to the annual Election, and at the End of the Second Year the Remainder of each such Board respectively shall go out of Office, and at the End of the Third and every subsequent Year the *One Half* who have been longest in Office shall go out of Office, and their Places shall be supplied in like Manner: Provided always, that in no Case shall more than One Representative from each Barony retire from the County Board by Rotation in any Year.

Supply of occasional Vacancies.

11. If any Member of a Baronial or County Board die, resign, or cease to be a Member by any other Cause than that of going out of Office by Rotation as aforesaid, the remaining Members of the Board, if they think proper so to do, may elect in his Place some other Justice or Ratepayer respectively, duly qualified, to be a Member, and the Member so elected to fill up any such Vacancy shall continue in Office as a Member so long only as the Person in whose Place he shall have been elected would have been entitled to continue if he had remained in Office.

The County Board to be a Corporation.

12. The County Fiscal Board of every County shall be a Body Corporate, under the Title of the   , and shall have perpetual Succession and a Common Seal, and may sue and be sued, and may acquire and hold Lands as a Corporation, and shall have and be subject to all other Rights, Privileges, and Liabilities attaching to a Body Corporate.

Baronial Board to perform Duties of Presentment Sessions.

13. The Persons elected to serve on the Baronial Board shall, together with the Justices appointed, constitute a Board for the Transaction and Administration of all Matters hitherto performed by the Justices and associated Ratepayers at Presentment Sessions.

14. For the Transaction of Business hitherto performed by the Presentment Sessions for the County at large a Board shall be formed, to be called the County at large Presentment Board, consisting of *One* Member from each of the Baronial Boards, selected by Ballot.

Baronial Board for the County at large Presentment Board.

15. At any Election of Members of each County and Barony Board every Cesspayer liable to pay or contribute County Cess, whether in *One* or *more than One* Sum or Charge, in respect of Lands in such Barony, shall have Votes according to the Scale in the Schedule (A.) to this Act annexed.

Cesspayers to have Votes according to Scale in Schedule.

16. In case *Two* or more Ratepayers shall be jointly liable to pay or contribute to County Cess, each of them shall be entitled to vote according to the Proportion and Amount which shall be borne by him; and where One only of the Persons jointly liable shall claim to vote he shall be entitled to vote in respect of the whole of the Property in respect of which he shall be jointly entitled to vote.

Votes of joint Ratepayers.

17. The Baronial Boards which shall be first elected according to the Provisions of this Act shall continue in Office for *One Year* from the Period of such Election, and from thence until the Meeting of the Baronial Boards which shall be held as herein-after provided in *the Month of*   next ensuing.

District Board first elected to continue One Year, and until   following.

18. Each Baronial Board shall and they are hereby required to hold *quarterly* Meetings on such Days in the Months of   and   as shall have been appointed by such Board at the preceding half-yearly Meeting, such Days being within the *first Week* of the said Months respectively, and of which Days public Notice shall be duly given, and the First Meeting of each such Board shall be on the   following their Election.

Baronial quarterly Boards to meet in   and   .

19. Each County and Baronial Board at their First Meeting, of which due Notice shall be given, and at the First Meeting of each new Board annually elected as herein-before provided, shall elect out of the Members of such Board One Person to be Chairman and another Person to be Vice-Chairman of such Board, who shall respectively continue in Office until the next Election of a Board for such County or Barony respectively; and at every Meeting of such Board the said Chairman, if present, and in his Absence the Vice-Chairman, shall preside; and in case of the Absence of both at the Hour appointed for Meeting, the Members of such Board present shall elect One of themselves to preside at such Meeting as Chairman

Chairman and Vice-Chairman to be elected.

If both absent, a Chairman of Meeting to be elected.

Chairman to have a Casting Vote.

Meetings of County and Baronial Boards may be adjourned, and shall be public.

thereof; and the Chairman of every Meeting of any such Board shall have, in addition to his own Vote, a Casting Vote, in case of an Equality of Votes: Provided always, that any Meeting of a Baronial Board or County Board may be adjourned from Day to Day, as Occasion may require, and that all such Meetings shall be held in open Court, and all the Justices and Cesspayers of the County and all other Persons shall have free Access to such Meetings.

Declaration to be made by Members of County and Baronial Boards.

20. Every Member of a Baronial or County Board shall, previously to acting at any Meeting of such Board, make and subscribe in open Court at such Meeting a Declaration according to the Form in the Schedule (C.) to this Act annexed, which Declaration the Chairman of such Meeting is hereby authorized and required to administer; and the Chairman of such Meeting is required to make out a List of the Persons who shall have made and subscribed such Declaration at every such Meeting, and shall forward the same to the Acting Clerk of the Peace for the County, to be by him preserved among the Records thereof.

County Officers.

Secretaries of County Boards.

21. The several Secretaries of Grand Juries in Ireland shall be the first Secretaries to the County Boards in the Counties for which they now act respectively; and whenever afterwards a Vacancy shall occur in the said Office in any County the County Board of such County shall and they are hereby required to appoint a fit and proper Person to be their Secretary; and every Secretary of a County Board shall also be Secretary of the Finance Committee herein-after mentioned of such County, and shall perform such Duties as herein-after provided.

County Boards may appoint Bank for Deposit of County Monies after Vacancy in Office of County Treasurers.

22. The existing County Treasurers shall be Treasurers to the County Board, but on any Vacancy arising from Death or Resignation each County Board may, should they think fit, appoint some Bank in which all Monies levied for County Rates or otherwise belonging to such County shall from Time to Time be lodged.

Powers of Grand Juries to make Presentments transferred to County Board.

23. The several and respective Powers, Duties, Liabilities, or Authorities given or incidental or belonging to or vested in Grand Juries by any Act or Acts now in force shall, from and after the *Commencement of this Act*, be transferred from Grand Juries to and vested in and shall and may be exercised and discharged by the respective County Boards; and the several Provisions and Expressions in such Act or Acts contained in relation to Grand Juries shall be deemed and taken to extend and shall extend and apply to the respective County Boards.

24. Any Time after the completing and opening of any Bridge built in pursuance of any Public or Local Act of Parliament it shall and may be lawful for the County Board of the County in which such Bridge shall be situate, or if situate in Two Counties then for the County Boards of such Counties, to redeem the Tolls payable under such Act to the Owner or Owners of the said Tolls, by paying to them the full Value of their Interest therein, to be settled according to the Provisions of the Lands Clauses Consolidation Act, 1845, which for this Purpose is to be deemed incorporated herewith; and on Payment of such Value then the said Tolls shall cease, and the Passage of such Bridge shall be open and free to all Cattle, Carriages, and Persons whatsoever; and such County Board or County Boards is and are hereby empowered to order to be levied off the County or Counties at large, or any District or Districts thereof or of either thereof, such Sum or Sums of Money as may be sufficient to defray the Expenses of redeeming such Tolls in manner aforesaid, such Sum or Sums to be paid to the Owner or Owners of such Tolls.

Power for County Boards to redeem Tolls payable on certain Bridges.

25. The Powers hereby vested in the County and Baronial Boards to be constituted under this Act shall be held to extend to the Execution of such Works of Arterial Drainage as they or any of them shall consider necessary or advisable for the better Drainage of any Lands situated within any Barony.

County and Baronial Boards to exercise Powers under "The Land Drainage (Ireland) Act 1863."

And for the Purpose of assessing and applotting the Proportions in which the Proprietors of such Lands shall contribute to the Expense of such Drainage, the several Provisions of the Act of the Twenty-sixth and Twenty-seventh Years of the Reign of Her present Majesty, Chapter Twenty-six, intituled "The Land Drainage (Ireland) Act, 1863," shall be extended and incorporated with this Act.

26 & 27 Vict. c. 26.

26. From and after *the passing of this Act*, notwithstanding anything to the contrary contained in any Act of Parliament, it shall and may be lawful for each of the several County Boards hereby constituted to appoint from their Number Representatives to act on the Board of Governors of the District Lunatic Asylum of the County, who shall have equal Powers with Governors of the Asylum appointed by the Lord Lieutenant.

County Boards to appoint Representatives on Boards of Governors of Lunatic Asylums.

The Numbers appointed by the County Board shall not exceed the latter.

Where an Asylum is used for the Care and Treatment of the Insane of Two or more Counties each County shall appoint Representatives to act on the Board of Management in the same Proportion as the Governors appointed by the Lord Lieutenant for each of the respective Counties, and who shall report once every *Six Months* to the County Board on the State of the Asylum and Condition of the Patients, particularly in reference to those maintained at the Cost of the County which they represent.

Act not to extend to certain Places.

27. This Act shall not extend to any County of a City or Town where any Local or Public Improvement Act, or where the whole of "The Towns Improvement (Ireland) Act, 1854," is in operation.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

SHOWING

THE NUMBER of VOTES to which every Cesspayer shall be entitled in the Election of Members of the County and Baronial Board.

When the Cess which any Cesspayer is liable to pay under the last Warrant of the Treasurer of any County, or County of a City or Town, previous to the passing of this Act, or of the Finance Committee after the passing of it, shall be

under £4 - - - - One Vote,
where it amounts to £8, and does not amount to £12 Two Votes,
,, £12 ,, £20 Three Votes,
,, £20 ,, £50 Four Votes,
,, £50 and upwards - - Five Votes.

SCHEDULE (B.)

FORM of VOTING PAPER for Member of County or Baronial Board.

No. .

I *A.B.* of, &c. [*here insert Name, Address, and Addition of Cesspayer*], being a Cesspayer of the Barony of County of [*or* County of the City or Town of, *as the Case may be*], and having paid Grand Jury Rates or Cess for or in respect of Lands [*or, in the Case of a City or Town,* House or Premises,] under the last Applotment made previous to that Date of the net annual Value of , and being entitled to Votes [*here insert annual Value, not being less than Four Pounds*], do give my Vote [*or* Votes, *as the Case may be,*] for the following qualified Cesspayers, to be associated with the Justices in the [*here insert County or Baronial Board*] to be held for this [County *or* Barony] [*here insert Name and Addresses of the Cesspayers voted for*].

Dated this Day of 18 .

(Signed)

SCHEDULE (C.)

I *A.B.* of [*here insert the Name and Place of Abode of the Member of a County Board or Baronial Board taking this Declaration*] do declare, That I will truly, faithfully, and impartially do and perform all such Acts, Matters, and Things as I am authorized to do and perform as a Member of the [County *or* Barony] Board of by and under the Provisions of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set out the Title of this Act*], and that I will, without Favour, Affection, Hatred, or Malice or Ill-will, diligently inquire into and impartially and honestly judge and determine according to the Evidence, and to the best of my Judgment and Ability, upon the several Applications and other Matters which may be brought before me under the Authority of the said Act.

Witness my Hand .

Grand Juries (Ireland).

A

BILL

To amend the Laws relating to Grand Juries in Ireland.

(Prepared and brought in by
Mr. Blake, Mr. M'Mahon, Mr. Mac Evoy, and
Mr. Maguire.)

Ordered, by The House of Commons, *to be Printed,*
25 *February* 1864.

[Bill 35.]

Under 2 *oz.*

A

B I L L

FOR

Authorizing the Relinquishment in favour of the King of the Hellenes of certain Money payable in respect of the Greek Loan.

WHEREAS by the Act of the Session of the Second and Third Years of His late Majesty King William the Fourth (Chapter One hundred and twenty-one), "to enable His "Majesty to carry into effect a Convention made between His "Majesty and the King of the French and Emperor of All the "Russias and the King of Bavaria," after Recitals showing that His said late Majesty and the then King of the French and the then Emperor of All the Russias had entered into Undertakings for the guaranteeing of a Loan to be contracted by Prince Otho of Bavaria as King of Greece, His said late Majesty, His Heirs and Successors, were authorized to guarantee such Loan upon the Terms and Conditions therein referred to, and the Commissioners of the Treasury of the United Kingdom were empowered out of the Consolidated Fund to issue such Sums as in the said Act were mentioned: Preamble. 2 & 3 W. 4. c. 121.

And whereas the said Act was amended by the Act of the Session of the Sixth and Seventh Years of His said late Majesty, Chapter Ninety-four. 6 & 7 W. 4. c. 94.

And whereas the said Loan was contracted, and certain Sums have been issued out of the Consolidated Fund in pursuance of the said Acts:

And whereas in the Month of June One thousand eight hundred and sixty an Arrangement was concluded at Athens by the Greek Government, with the Concurrence of the Greek Chambers, in virtue whereof the Greek Treasury engaged with Her Majesty and the Emperor of the French and the Emperor of All the Russias, as the Guarantors of the said Loan, to pay certain Sums annually to each of them:

And whereas by a Treaty made and signed at London on the Thirteenth Day of July One thousand eight hundred and sixty-three (and duly ratified) between Her Majesty and the Emperor of the French and the Emperor of All the Russias on the one Part, and the King of Denmark on the other Part, the King of Denmark, in accordance with the Prince Christian of Denmark acting in the Character of Guardian of his Son the Prince Christian William Ferdinand Adolphus George, accepted for that Prince, a Minor, the Hereditary Sovereignty of Greece, offered to him as therein mentioned:

And whereas an Article was agreed on between the said contracting Parties to the following Effect; namely,—

> " Article X.—Each of the Three Courts will give up in favour " of Prince William of Denmark Four thousand Pounds a " Year out of the Sums which the Greek Treasury has engaged " to pay annually to each of them in pursuance of the Arrange- " ment concluded at Athens by the Greek Government, with " the Concurrence of the Chambers, in the Month of June " 1860:
>
> " It is expressly understood that these Three Sums, forming " a Total of Twelve thousand Pounds Sterling annually, shall " be destined to constitute a personal Dotation of His Majesty " the King, in addition to the Civil List fixed by the Law of " the State":

And whereas by another Treaty made and signed at London on the Twenty-ninth Day of March One thousand eight hundred and sixty-four (and duly ratified) between Her Majesty and the Emperor of the French and the Emperor of All the Russias on the one Part, and the King of the Hellenes on the other Part, Her Majesty and the Emperor of the French and the Emperor of All the Russias declared that Greece, within the Limits therein mentioned, including the Ionian Islands, should form a monarchical, independent, and constitutional State, under the Sovereignty of His Majesty King George, and under the Guarantee of the Three Courts:

And whereas an Article was agreed on between the last-mentioned contracting Parties to the following Effect; namely,—

" Article VI.—Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor " of the French, and His Majesty the Emperor of All the " Russias, agree to relinquish in favour of His Majesty King " George I. each Four thousand Pounds Sterling a Year " out of the Sums which the Greek Treasury has engaged to " pay annually to each of them, in virtue of the Arrangement " concluded at Athens by the Greek Government, with the " Concurrence of the Greek Chambers, in the Month of June " 1860:

" It is expressly understood that these Three Sums, forming " a Total of Twelve thousand Pounds Sterling annually, shall " be destined to constitute a personal Dotation of His Majesty " King George I., in addition to the Civil List fixed by the " Law of the State. The Accession of His Majesty to the " Hellenic Throne shall not otherwise involve any Change in " the financial Engagements which Greece has contracted by " Article XII. of the Convention of May 7, 1832, towards the " Powers Guarantors of the Loan, nor in the Execution of the " Engagement taken by the Hellenic Government in the Month " of June 1860, upon the Representation of the Three " Courts":

And whereas it is expedient that the recited Articles of the said Treaties as far as they relate to the Engagements on the Part of Her Majesty therein comprised be confirmed, and that Provision be made to give Effect to those Engagements:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Confirmation of Treaties.

1. The recited Articles of the said Treaties as far as they relate to the Engagements on the Part of Her Majesty therein respectively comprised are hereby confirmed.

Power for Treasury to relinquish 4,000*l.* a Year.

2. It shall be lawful for the Commissioners of Her Majesty's Treasury to relinquish in favour of King George the First, the King of the Hellenes, during his Reign, the Sum of *Four thousand Pounds* Sterling a Year in the recited Articles mentioned, and accordingly to the Extent of a Sum of *Four thousand Pounds* Sterling a Year during the Reign of the said King to release the Greek Treasury from the Obligation of the Arrangement concluded at Athens in the Month of June One thousand eight hundred and sixty as aforesaid.

Greek Loan.

A

BILL

For authorizing the Relinquishment in favour of the King of the Hellenes of certain Money payable in respect of the Greek Loan.

(*Prepared and brought in by*
Mr. Massey, Viscount Palmerston,
Mr. Chancellor of the Exchequer, and Mr. Layard.)

Ordered, by The House of Commons, *to be Printed,*
13 *June* 1864.

[Bill 144.]

Under 1 *oz.*

A

BILL

FOR

Amending The Harwich Harbour Act, 1863.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of Part of s.7 of 26 & 27 Vict. c. 71.

1. So much of Section Seven of The Harwich Harbour Act, 1863, (hereafter in this Act called the Principal Act,) as relates to the Maps therein mentioned, is hereby repealed.

Maps to be made for showing Limits of Harbour and of Jurisdiction.

2. As soon as may be after the passing of this Act the Board of Trade shall cause a Map to be prepared showing the Limits of Harwich Harbour and the Limits of the Jurisdiction of the Harwich Conservancy Board, as the same respectively are described in that Part of Section Seven of the Principal Act which is not repealed by this Act, the Limits of the Harbour being indicated on such Map by a continuous Red Line, and the Limits of the Jurisdiction of the Conservancy Board, where it extends beyond the Limits of the Harbour, being indicated thereon by a dotted Red Line.

Copies to be deposited with Clerks of Peace, &c.

3. Four Copies of such Map shall be made, and shall be each signed by the President of the Board of Trade, and shall be deposited as follows, namely,—One of the Copies with the Clerk of the Peace for the County of Essex, another with the Clerk of the Peace for the County of Suffolk, the Third with the Town Clerk of the Borough of Harwich, and the Fourth with the Town Clerk of the Borough of Ipswich.

Maps to be kept and to be open to Inspection.

4. The said Four Maps respectively shall be kept in the respective Offices of the Clerks of the Peace and Town Clerks with whom they are deposited, and may be inspected by any Person at any reasonable Time on Payment of One Shilling for each Inspection.

Maps to be conclusive Evidence.

5. Any One of the said Four Maps shall be conclusive Evidence of the Extent of Harwich Harbour and of the Extent of the Jurisdiction of the Harwich Harbour Conservancy Board.

Maps already deposited to be delivered up.

6. On any Map being deposited, as directed by this Act, the Clerk of the Peace or Town Clerk with whom the same is deposited shall deliver up to the Person depositing the same the Map deposited with him under the Principal Act.

Provision as to Lifeboat, &c.

7. Notwithstanding anything in the Principal Act, it shall not be necessary for the Harwich Harbour Conservancy Board to provide or maintain any Life Boat, Mortar, or Rockets, except when and as long as they are required by the Board of Trade to do so.

Interpretation of Terms.

8. Terms used in this Act have the same respective Meanings as they have when used in the Principal Act.

Purchase of Lands by Agreement.

9. The Harwich Harbour Conservancy Board may from Time to Time purchase and acquire any Lands lying above High-water Mark which they may require for any of the Purposes of the Principal Act; and "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with this Act, except so far as any of the Provisions thereof are inconsistent with this or the Principal Act: Provided, nevertheless, that this Act shall not authorize the taking or purchasing of any Lands otherwise than by Agreement.

Short Titles.

10. This Act may be cited as The Harwich Harbour Act, 1864; and this Act and the Principal Act may be cited together as The Harwich Harbour Acts, 1863 and 1864.

Harwich Harbour Act Amendment.

A

B I L L

For amending The Harwich Harbour Act, 1863.

(Prepared and brought in by
Mr. Milner Gibson and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed,*
23 *June* 1864.

[Bill 171.]

Under 1 *oz.*

14 *April* 1864. 27 Vict.

A

BILL

TO

Confirm the Appointment of Henry Pendock St. George Tucker, Esquire, as One of the Judges of Her Majesty's High Court at Bombay, and to establish the Validity of certain Proceedings therein.

WHEREAS Henry Pendock St. George Tucker, Esquire, of the Bombay Civil Service, was on the Twenty-seventh Day of July One thousand eight hundred and sixty-three appointed by Her Majesty to be One of Her Majesty's Judges of the High Court of Judicature at Bombay: And whereas Doubts have arisen whether the said Henry Pendock St. George Tucker, Esquire, was properly qualified for the Appointment of Judge of a High Court in India, under the Provisions of an Act for establishing High Courts of Judicature in India, passed in the Twenty-fourth and Twenty-fifth Year of the Reign of Her present Majesty: And whereas it is expedient that his Appointment should be confirmed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 24 & 25 Vict c. 104.

1. The

Appointment of H. P. St. G. Tucker confirmed.

1. The Appointment of the said Henry Pendock St. George Tucker shall be and is hereby confirmed.

All Acts, &c. heretofore done by said H. P. St. G. Tucker to be valid.

2. All Acts, Proceedings, and Judgments heretofore done, taken, or given by the said Henry Pendock St. George Tucker in the Capacity or assumed Capacity of Judge of the said High Court, and not set aside by any competent Authority before the Publication of this Act in the Government Gazette at Bombay, shall be deemed to be and to have been as valid and effectual for all Purposes whatever as if the said Henry Pendock St. George Tucker had at the Time of such Acts, Proceedings, or Judgments respectively been legally and sufficiently authorized to officiate as such Judge.

No Action to be brought against said H. P. St. G. Tucker in consequence of any such Acts.

3. No Action, Prosecution, or other Proceeding shall be brought or taken in any Court against the said Henry Pendock St. George Tucker by reason of the Illegality or Invalidity of any Act, Proceeding, or Judgment herein-before declared to be valid and effectual.

High Court at Bombay.

A

BILL

To confirm the Appointment of Henry Pendock St. George Tucker, Esquire, as One of the Judges of Her Majesty's High Court at Bombay, and to establish the Validity of certain Proceedings therein.

(Prepared and brought in by
Sir Charles Wood and Mr. Baring.)

Ordered, by The House of Commons, *to be Printed*,
14 *April* 1864.

[Bill 67.]

Under 1 *oz.*

Highways Act Amendment Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

Short Titles of Highway Acts; Sect. 1.
Construction of Act; 2.

Amendments as to Orders of Justices.

Amendment of Section 6. of the "Highway Act of 1862";—3.
Amendment of Section 7. of the "Highway Act of 1862";—4.
Power of Justices as to Extra-parochial Places; 5.
Consolidation of Townships in Parishes; 6.
Repeal of Part of Section 6. of the "Highway Act of 1862" as to Meetings of Board; 7.
Power of Justices to bring Highway Act into operation on a particular Day; 8.
Publication of Orders in Gazette made permissive; 9.
Union of Parishes in different Counties; 10.
Amendment of Section 39. of 25 & 26 Vict. c. 61.;—11.
Costs of Parish applying to be removed from one District to another; 12.
Validity of Order of Justices; 13.
Defence of Orders by Justices; 14.
Extension of Powers of Justices; 15.
Definition of Provisional and Final Orders; 16.

Miscellaneous Amendments.

Evidence of Election or Appointment of Waywarden; 17.
Service of Notice; 18.
Repeal of Schedule of Act of 1862;—19.

Payment of Costs of Complainant under Section 18.;—20.
Residence of Justices; 21.
Appointment of Assistant Surveyors; 22.

As to Expenses of Board.

Repeal of Sections 20, 21, 22, 23, and 24, of 25 and 26 Vict. c. 61. Expenses how charged; 23.
Mode of defraying Expenses; 24.
Power to levy Rates for making Payments to Highway Board; 25.
Mode of enforcing Payments to Highway Boards; 26.

Audit of Accounts of Board.

Repeal of Provisions of Highway Act relating to Accounts; 27.

Supplemental Provisions.

Power of Justices to direct County Surveyor to examine Roads; 28.
Qualifications of District Surveyor; 29.
Appointment of Officers by the Highway Board; 30.
Jurisdiction of Justices; 31.
Power of Highway Board to make Improvements and borrow Money; 32.
Definition of Improvements; 33.
Power of Highway Board to combine; 34.
Power for combined Highway Boards to borrow; 35.
Certain Clauses of 10 & 11 Vict. c. 16. incorporated; 36.
Incorporation of Lands Clauses Act; 37.

SCHEDULE.

A

BILL

TO

Amend the Act for the better Management of Highways in England.

Preamble. 25 & 26 Vict. c. 61.

WHEREAS it is expedient to amend an Act passed in the Session holden in the Twenty-fifth and Twenty-sixth Years of the Reign of Her present Majesty, Chapter Sixty-one, and intituled "An Act for the better Management of "Highways in England:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Preliminary.

Short Titles of Highway Acts.

1. The Acts herein-after mentioned may be cited for all Purposes by the Short Titles following; that is to say,

The Act passed in the Session of the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Fifty, and intituled "An Act to consolidate and amend the Laws relating "to Highways in that Part of Great Britain called England," by the Short Title of the "Highway Act, 1835:"

The said Act passed in the Session of the Twenty-fifth and Twenty-sixth Years of the Reign of Her present Majesty, Chapter Sixty-one, by the Short Title of the "Highway Act, 1862:"

This Act by the Short Title of the "Highway Act, 1864."

All the above-mentioned Acts and any Acts passed or to be passed amending the same shall be included under the Short Title of "The Highway Acts."

Construction of Act.

2. This Act, so far as is consistent with the Tenor thereof, shall be construed as One with the "Highway Act, 1862."

Amendments as to Orders of Justices.

Amendment of Section 6. of Highway Act of 1862.

Amendments as to Orders of Justices.

3. Where more Highway Districts than One are comprised in any Order of Justices, whether provisional or final, and whether made before or after the *passing of this Act*, the Formation of each of such Districts is to be deemed independent of the other District, and the Order shall for all Purposes be construed and take effect as if a separate Order had been made in respect of each District; and any Variation in a Provisional Order altering the Parishes in any One or more Districts comprised in that Order shall make that Order provisional only as to the particular District or Districts in which the Alterations are made, and not as to any other District or Districts included in the same Order.

Amendment of Section 7. of Highway Act of 1862.

4. The Power given by the Seventh Section of "The Highway Act, 1862," of combining Townships, Tithings, Hamlets, or Places separately maintaining their own Highways, and situate in a Poor Law Parish, shall extend to combining any Two or more of such Townships, Tithings, Hamlets, or Places, and any Combination so formed shall for all the Purposes of the Highway Acts be deemed to be a Place separately maintaining its own Highways.

Where a Township, Tithing, Hamlet, or other Place separately maintaining its own Highways is situate in Two or more Poor Law Parishes, each Part of such Township, Tithing, Hamlet, or other Place may be combined with the Parish in which that Part is situate.

The Justices may, by their Provisional and Final Order, declare that any Poor Law Parish within their Jurisdiction, (no Part of which is prohibited by "The Highway Act of 1862" from being included in the Highway District), shall become a Parish separately maintaining its own Highways as well as its own Poor; and upon such Declaration being made all Obligations, Privileges, and Exemptions relating to the Maintenance of Highways, or to the Election of Surveyors or Waywardens, and attached to any Township or other Subdivision of such Poor Law Parish, shall, without such Township or other Subdivision being specially named in the Order, cease, and the Poor Law Parish shall thereafter be a Parish separately maintaining its own Highways, and entitled to return a Waywarden or Waywardens to the Highway Board of the District in which it is included.

A "Poor Law Parish" shall in this Act mean a Place that separately maintains its own Poor.

Where, previously to the passing of the Provisional Order forming a Highway District, no Surveyors or Waywardens have been elected within a Parish situate or about to be included in that District, and where the Mode of electing a Waywarden or Waywardens in such Parish is not provided by this Act or the "Highway Act, 1862," the Justices shall, by their Provisional and Final Orders, make Provisions for the annual Election of a Waywarden or Waywardens for such Parish.

Power of Justices as to Extra-parochial Places.

5. The Justices may, by Provisional or Final Order, deal with any Extra-parochial Place with a view to constituting it Part of a Highway Parish, in the same Manner as the Justices or Poor Law Board may deal with such Place for the Purpose of constituting it Part of a Place maintaining its own Poor, and may exercise all Powers for that Purpose vested in the Poor Law Board by the Acts relating to the Relief of the Poor, or in the Justices by the Act of the Twentieth Year of the Reign of Her present Majesty, Chapter Nineteen.

Where in any Extra-parochial Place already forming Part of or about to be included in a Highway District, any such Agreement as is mentioned in the said Act of the Twentieth Year of the Reign of Her present Majesty, Chapter Nineteen, subsists between such Place and any Parish as to the Liability of such Place to contribute to the Poor Rate of the Parish, such Agreement shall be deemed to extend to the Payment of Highway Rate, and such Place shall for all the Purposes of the Highway Acts be taken to be Part of the Parish with which the Agreement is made.

Consolidation of Townships in Parishes.

6. Where a Parish at Common Law either by itself, or exclusive of a Chapelry or Chapelries attached, or a Chapelry at Common Law, is divided into Townships, Tithings, Hamlets, or other Divisions that maintain their own Poor separately as well as their own Highways, and the Inhabitants of such Parish or Chapelry are or have been accustomed to meet in Vestry for any Purpose, the Justices may by Provisional and Final Order direct that a certain Number of Waywardens specified in their Order are to be chosen by the Inhabitants of the entire Common Law Parish or Chapelry in Vestry assembled; and thereupon the Right of any such Townships, Tithings, Hamlets, or other Divisions to elect separately a Surveyor or Waywarden shall cease, and such entire Parish or Chapelry shall, for the Purpose of electing Waywardens, be deemed to be a Parish separately maintaining its own Highways; and all the Provisions of the Highway Acts relating to the Election of Surveyors and Waywardens, to their Qualification, and to the Power of Appointment of Surveyors or Waywardens by Justices in the event of no Election taking place, or in the event of a Vacancy occurring, shall apply accordingly; nevertheless each Division of such entire Parish or Chapelry shall, for all the other Purposes of the Highway Acts, continue to be a Parish separately maintaining its own Highways, and shall contribute separately to the Expenses incurred by the Highway Board; and the Waywardens elected by the entire Parish or Chapelry in pursuance of this Section shall in each Division of that Parish or Chapelry be deemed to be the Waywardens of that Division, and have the like Powers, Duties, Capacities, and Incapacities as if they had been elected Waywardens of that Division only.

For the Purpose of facilitating the Exercise by Provisional and Final Order of the Powers hereby given the Justices may, by the same or any other Orders, put in force the Provisions of the Highway Acts enabling them to assimilate the Areas of Places maintaining their own Highways to the Areas of Places maintaining their own Poor, and any Place in respect of which the said Provisions have been put in force shall be deemed to be a Township, Tithing, Hamlet, or other Division that maintains its own Poor separately, as well as its own Highways within the Meaning of this Section.

Repeal of Part of s. 6. of Highway Act of 1862, as to Meetings of Board.

7. The Paragraph No. 5 in the Sixth Section of the "Highway Act, 1862," shall be repealed, and in lieu thereof be it enacted—

The First Meeting of the Highway Board after the Formation of a District shall be held at such Time and Place as may be appointed by the Provisional or Final Order of the Justices, so that the Time appointed be not more than *Seven Days* after the Expiration of the Time limited by Law for the Election of Waywardens, or, in the Case of a special Day being appointed for such Election, as herein-after mentioned, be not more than *Twenty-one Days* after that Day, and so that such Place is situate in or is near to the said Highway District.

The Day appointed for the First Meeting of the Board shall for all the Purposes of the Highway Acts be deemed to be the Day of the Formation of the District; and the Surveyor for the Time being of every Parish within the District shall continue in Office until *Seven Days* after the Appointment of the District Surveyor by the Highway Board, and no longer.

Power of Justices to bring Highway Act into operation on a particular Day.

8. In forming a Highway District under the "Highway Act, 1862," the Justices may, for the Purpose of avoiding Delay in bringing the Act into operation, appoint by their Final Order a Day on which the First Election of Waywardens, as Members of the Highway Board, is to take place in the District.

On the Day appointed for the Election Waywardens shall be elected in every Parish in the District entitled to elect such Officers, by the same Persons and in the same Manner by and in which Waywardens are elected under the "Highway Act, 1862," and all the Provisions of the Highway Acts relating to the Qualifications of Surveyors or Waywardens, and to the Appointment of Surveyors and Waywardens by Justices in the event of no Election taking place, shall apply accordingly; but the Waywardens elected under this Section shall continue in Office only until the Time at which the next annual Election of Surveyors would have taken place in the several Parishes of the District if the same had not been constituted a Highway District, and at that Time new Waywardens shall be elected in manner provided by the Highway Acts.

Publication of Orders in Gazette made permissive.

9. No Order of the Justices forming a Highway District shall be invalidated by reason of its not being published in the London Gazette; and where any Reference is made in any Section of the "Highway Act, 1862," to the Date of the Publication in the Gazette of the Order, such Section shall be construed as if the Date of the making of the Final Order under which the District is formed were substituted for "the Date of the Publication in the Gazette of the Order under which the District is formed;" and any Copy of the Provisional or Final Order of the Justices forming a Highway District, certified under the Hand of the Clerk of the Peace to be a true Copy, shall be receivable in all Courts of Justice and in all legal Proceedings as Evidence of the Formation of the District and of the Matters in the said Order mentioned.

Union of Parishes in different Counties.

10. Neighbouring Places situate in different Counties and Places situate partly in one County and partly in another County or Counties shall, for the Purpose of being united in One Highway District, and for all other the Purposes of the Highway Acts, be deemed to be subject to the Jurisdiction of the Justices of any County, who may make a Provisional and Final Order constituting them an Highway District, in the same Manner as if all such Places or Parts of Places were situate in such last-mentioned County; subject to this Proviso, that the Provisional and Final Orders of the Justices of the said County shall be of no Validity unless Provisional and Final Orders to the same Effect are passed either concurrently with or subsequently to the first-mentioned Provisional and Final Orders by the Justices of every other County in which any of the said Places or Parts of Places are situate.

Amendment of s. 39. of 25 & 26 Vict. c. 61.

11. The Approval of the Justices of any County to any Provisional Order made by the Justices of another County affecting any Place in such first-mentioned County, in pursuance of the Thirty-ninth Section of the "Highway Act, 1862," shall be testified by Provisional and Final Orders of the Justices of the said first-mentioned County.

The Powers conferred on Justices by the Thirty-ninth Section of the "Highway Act, 1862," shall be deemed to extend to the Separation of any Townships, Tithings, Hamlets, or Places separately maintaining their own Highways which may have been consolidated by any previous Order of the Justices.

Costs of Parish applying to be removed from one District to another.

12. Where, after the Formation of an Highway District, an Application is made by or on behalf of any Parish in that District to any Court of General or Quarter Sessions, praying that the said Parish may be removed from that District, all Costs, Charges, and Expenses incidental to or consequential on such Application and the Removal of the said Parish shall be paid by the Parish that has made the Application to such Justices, in such Manner as the said Court may direct. The Amount of such Costs, Charges, and Expenses shall be raised in the same Manner as if they were Expenses incurred in maintaining and keeping in repair the Highways of that Parish.

Validity of Order of Justices.

13. No Order of the Justices forming a Highway District, whether made before or after the passing of this Act, shall be void by reason that it includes in such District a Place which the Justices are not entitled to include under the Provisions of this Act or the "Highways Act, 1862," or One of such Acts; and any Order containing such prohibited Place shall be construed and take effect as if that Place had not been mentioned therein.

Where more Highway Districts than One are comprised in any Order of Justices, whether provisional or final, and whether made before or after the passing of this Act, the whole of such Order shall not be invalidated by reason of valid Objections being made to the Formation of One or more Districts comprised therein; and the Validity of the Formation of each District shall be determined without respect to other Districts, in the same Manner as if the Order comprised that One District only.

All Expenses properly incurred by the Justices of any County in maintaining the Validity of any Provisional or Final Order made by them shall be payable out of the County Rate of that County.

Defence of Orders by Justices.

14. The Justices may defend any Proceedings that may be instituted for the Purpose of setting aside any Provisional or Final Orders made by them in pursuance of this Act, and all Expenses properly incurred by them in such Defence shall be payable out of the County Rate.

Extension of Powers of Justices.

15. All Acts and Things which Justices are by this Act and by the "Highway Act, 1862," or either of such Acts, authorized to do, by Orders in Quarter Sessions, may be done by them in the Case of any Highway District already formed, as well as upon the Occasion of the Formation of a new Highway District, the necessary Variations being made in the Form of the Orders; and where an Exercise of the Powers given by any Section or Sections of the Highway Acts is necessary for the Purpose of bringing any Place or Thing within the Provisions of any other Section or Sections of the Highway Acts, the Justices may exercise such Powers by the same Order by which they apply the Provisions of such last-mentioned Section or Sections, or by any prior Order or Orders.

Definition of Provisional and Final Orders.

16. The Expression "Provisional and Final Order," as used in this Act, shall mean a Provisional and Final Order passed and published in manner provided by this Act and the "Highway Act, 1862," with the necessary Variations as to Notices and otherwise.

Miscellaneous Amendments.

Evidence of Election or Appointment of Waywardens.

17. Every Waywarden, before taking his Seat as a Member of a Highway Board, shall produce a Certificate of his having been duly elected or appointed a Waywarden, and such Certificate shall, in the Case of an Elected Waywarden, be signed by the Chairman of the Vestry or other Meeting at which he was elected; and in the Case of a Waywarden appointed by Justices, be signed by the Justices making the Appointment.

If any Waywarden votes as a Member of a Highway Board without producing such Certificate, he shall incur a Penalty of *Five Pounds,* unless the Board pass a Resolution dispensing with such Certificate, on the Production of other Evidence to the Satisfaction of the Board that he has been duly elected or appointed a Waywarden.

Service of Notice.

18. Any Notice, Precept, Summons, or Order under the Highway Acts may be served,—

By Delivery of the same personally on the Party required to be served; or

By leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

By forwarding the same by Post as a registered prepaid Letter addressed to the usual or last known Place of Abode of such Party.

In proving Service of a Document by Post it shall be sufficient to prove that the Document was properly directed, and that it was put as a registered prepaid Letter into the Post Office.

Repeal of Schedule of Act of 1862.

19. The Schedule annexed to the "Highway Act of 1862" shall be repealed, so far as relates to the Proceedings of Highway Boards, and the Proceedings of Highway Boards shall, after the *passing of this Act*, be subject to the Regulations contained in the Schedule to this Act annexed.

Payment of Costs of Complainant under s. 18.

20. Where a Complaint is made, in pursuance of the Eighteenth Section of the "Highway Act, 1862," that any Highway within the Jurisdiction of a Highway Board is out of Repair, the Justices, as soon as they are satisfied of the Justice of the Complaint, shall forthwith direct the Highway Board to pay to the Complainant all Costs, Charges, and Expenses properly incurred by him in preferring his Complaint; and any Order made for the Payment of such Costs, Charges, and Expenses may be removed into the Court of Queen's Bench, in the same Manner as if it were an Order of General or Quarter Sessions, and be enforced accordingly.

Residence of Justices.

21. A Justice of the Peace acting for the County in which a Highway District is situate, and resident in a Borough or in any other Place that is prohibited either altogether or without the Consent of the Local Authority from being included in a Highway District by the Seventh Section of the "Highway Act of 1862," shall nevertheless, by virtue of his Office, be a Member of the Highway Board of that District if the Borough or Place in which he is resident is surrounded by or adjoins in any Part the Highway District, subject to this Qualification, that if in pursuance of this Section any Justice of the Peace would be entitled to be a Member of Two or more Highway Boards in the same County he shall, by Letter under his Hand, addressed to the Clerk of the Peace of the County, declare of which of the said Highway Boards he elects to be a Member, and having made that Election he shall be bound thereby, and shall not be entitled, by virtue of his Office of Justice, to be a Member of any other of the said Boards.

Appointment of Assistant Surveyors.

22. A Highway Board may appoint such Number of Assistant Surveyors as they think necessary for the proper Superintendence of the Roads within their Jurisdiction, and may give to such Surveyors such Salaries as the Board may think expedient.

The Appointment of any Officer of a Highway Board may be made by a Minute of the Board, countersigned by the Chairman and Clerk of the Board, and any Appointment so made shall be as valid as if it were made under the Seal of the Board.

As to Expenses of Board.

Repeal of Sections 20, 21, 22, 23, and 24 of 25 & 26 Vict. c. 61.

23. Sections Twenty, Twenty-one, Twenty-two, Twenty-three, and Twenty-four of the "Highway Act of 1862," relating to the Expenses of the Board, shall be repealed.

Expenses how charged.

The Salaries of the Officers appointed for each District, and any other Expenses incurred by any Highway Board for the common Use or Benefit of the several Parishes within such District, shall be annually charged to a District Fund to be contributed by and charged upon the several Parishes within such District, in proportion to the rateable Value as assessed to the Highway Rate of the Property in each Parish, but the Expenses of maintaining and keeping in repair the Highways of each Parish within the District, and all other Expenses legally incurred by the Highway Board in relation to such Parish, except such Expenses as are in this Act authorized to be charged to the District Fund, shall be a separate Charge on each Parish.

Mode of defraying Expenses.

24. For the Purpose of obtaining Payment from the several Parishes within their District of the Sums due from them, the Highway Board shall order Precepts to be issued to the Waywardens or Overseers of the said Parishes according to the Provisions hereinafter contained, stating the Sum to be contributed by each Parish, and requiring the Officer to whom the Precept is addressed, within a Time to be limited by the Precept, to pay the Sum therein mentioned to the Treasurer of the Board.

Where the Precept is addressed to the Waywarden he shall pay the Sum thereby required out of a Highway Rate to be made, assessed, and levied in the Manner and in respect of the Property in and respect of which the same would have been made, assessed, and levied if the Highway Act, 1862, and this Act, had not passed.

Where the Precept is addressed to the Overseers they shall pay the Sum thereby required out of a Poor Rate, or any Monies in their Hands applicable to the Relief of the Poor.

Where a Parish forming Part of a Highway District, and separately maintaining its own Highways, is not a Parish separately maintaining its own Poor, or where in any Parish forming Part of a Highway District it has, for a Period of not less than Seven Years immediately preceding the *passing of this Act*, been the Custom of the Surveyor of Highways for such Parish to levy a Highway Rate in respect of Property not subject by Law to be assessed to Poor Rates, the Precept of the Highway Board shall be addressed to the Waywarden of the Parish, and in all other Cases it shall be addressed to the Overseers.

No Contribution required to be paid by any Parish at any One Time in pursuance of the Highway Acts shall exceed the Sum of *Tenpence* in the Pound, and the Aggregate of Contributions required to be paid by any Parish in any One Year in pursuance of the Highway Acts shall not exceed the Sum of *Two Shillings and Sixpence* in the Pound, except with the Consent of Four Fifths of the Ratepayers of the Parish in which such Excess may be levied present at a Meeting specially called for the Purpose, of which *Ten Days* previous Notice has been given by the Waywarden of such Parish, and then only to such Extent as may be determined by such Meeting.

All Sums of Money payable in pursuance of the Precepts of a Highway Board shall, whether they are or not payable by the Overseers of the Poor, be deemed to be payable out of Highway Rates, and be subject to all Charges to which ordinary Highway Rates are subject by Law. Any Rate, whether Poor Rate or not, out of which such Monies are payable, shall be included under the Expression "Highway Rate," wherever used in this Act, or in any other Act relating to Highways.

Power to levy Rates for making Payments to Highway Board.

25. Subject to the above-mentioned Restrictions with respect to the Amount of Rates to be levied in pursuance of this Act, all Waywardens and Overseers to whom Precepts of a Highway Board are hereby directed or authorized to be issued shall within their respective Parishes have the same Powers, Remedies, and Privileges, for and in respect of making, assessing, and levying any Rates required to be levied for making Payments to a Highway Board, in the Case of Overseers, as they have in making, assessing, and levying ordinary Rates for the Relief of the Poor, and in the Case of Waywardens, as they would have if the Parish of which they are Waywardens were a Place separately maintaining its own Poor, and they were appointed Overseers thereof, and duly authorized to make, assess, and levy a Poor Rate therein.

26. If

Mode of enforcing Payments to Highway Boards.

26. If any Payment required to be made by the Overseer, or Waywardens of any Parish of Monies due to a Highway Board is in arrear, it shall be lawful for any Two Justices, on Application under the Hand of the Chairman for the Time being or of the Clerk of such Board, to summon the said Overseers or Waywardens to show Cause at Petty Sessions why such Payment has not been made; and the Justices at such Petty Sessions, after hearing the Complaint preferred on behalf of the Board, may, if they think fit, cause the Amount of Payment in arrear, together with the Costs occasioned by such Arrear, to be levied and recovered from the said Overseers or Waywardens, or any of them, in like Manner as Monies assessed for the Relief of the Poor may be levied and recovered, and the Amount of such Arrear, together with the Costs aforesaid, when levied and recovered, to be paid to the said Board.

Audit of Accounts of Board.

Audit of Accounts of Board.

Repeal of Provisions of Highway Act relating to Accounts.

27. The Twenty-fifth, Twenty-sixth, and Thirtieth Sections of the "Highway Act, 1862," shall be repealed, and in lieu thereof the following Provisions shall be enacted; that is to say,

1. The Accounts of every Highway Board shall be made up and balanced to the *First Day of March* in every Year, and as soon as conveniently may be after the said *First Day of March* the said Accounts shall be audited and examined by an Auditor annually appointed by the Justices in General or Quarter Sessions, or in default of such Appointment by the Auditor of the Accounts relating to the Relief of the Poor of the Union in which the Highway District or the greater Part of the Highway District is situate:
2. Any Auditor, acting in pursuance of this Section, may allow or disallow any Item appearing in the Account or add any Item wanting in the Account, according as he thinks requisite, for the Purpose of bringing the Account into conformity with the Law: He may, for the same Purpose, alter or otherwise adjust the Proportions in which the Items are charged to the several Parishes in the District:
3. The Auditor shall, by a Certificate under his Hand, charge any Party with any Monies that, upon taking the said Account, may appear to be due from that Party; and it shall be the Duty of the Party so charged to pay the Amount of the Charge to the Treasurer of the Highway Board within *Fourteen Days* after the Service of the Certificate:

4. The Auditor shall recover any Monies charged by his Certificate from the Party charged by the like Process and with the like Powers as in the Case of a Sum certified to be due upon the Audit of Poor Law Accounts, and he shall be paid by the Highway Board all such Costs and Expenses, including a reasonable Compensation for Loss of Time incurred by him in the Proceedings, as may not be recovered from the Party proceeded against:

5. If any Person aggrieved by any Allowance, Disallowance, or Charge by any Auditor under this Act require such Auditor to state the Reasons for the said Allowance, Disallowance, or Charge, the Auditor shall state such Reasons in Writing under his Hand; and it shall be lawful for every Person aggrieved by such Allowance, Disallowance, or Charge to appeal to the next practicable Court of Quarter Sessions against such Allowance, Disallowance, or Charge; and if it appear to such Court that the Decision of the Auditor is erroneous, they shall order such Sum of Money as may have been improperly allowed, disallowed, or charged to be paid to the Party entitled thereto by the Party who ought to pay the same, and they may also, if they see fit, order the Costs of the Person prosecuting such Appeal to be paid by the Highway Board to which such Accounts relate, as to such Court may seem fit:

6. The Auditor shall defend the Allowance, Disallowance, or Charge so appealed against, and shall be reimbursed all Costs that he may incur in that Defence out of the Funds of the Highway Board interested in the Question:

7. For the Purpose of any Audit of Account under this Act, every Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before him at any such Audit or any Adjournment thereof, and to make and sign a Declaration as to the Correctness of the same; and if any such Person neglects or refuses so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, or to make or sign such Declaration, he shall incur for every Neglect or Refusal a Penalty not exceeding *Forty Shillings*, to be recovered in manner in which Penalties are recoverable under "The Highway Act, 1862;"

1862;" and if he falsely or corruptly makes or signs any such Declaration, knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury:

8. Every such Auditor shall in respect of each Audit be paid, out of the District Fund of the Board, such reasonable Remuneration, not being less than *Two Guineas* for every Day in which he is employed in such Audit, as the Board from Time to Time appoints, together with his Expenses of travelling to and from the Place of Audit:

9. Before each Audit of Accounts under this Act, the Highway Board shall, after receiving from the Auditor the requisite Information, give *Ten Days* Notice of the Time and Place at which the Audit will be made, by Advertisement in some One or more of the Newspapers circulated in the District; and a Copy of the Accounts to be audited, together with all Rate Books, Account Books, Deeds, Contracts, Accounts, Bills, Vouchers, and Receipts mentioned or referred to in such Accounts, shall be deposited in the Office of the Highway Board, and be open, during Office Hours thereat, to the Inspection of all Persons interested, for *Seven Days* before the Audit; and all such Persons shall be at liberty to take Copies of or Extracts from the same, without Fee or Reward; and the Production of the Newspaper containing a Notice of an Audit shall be deemed to be sufficient Proof of the Notice required by this Act having been given.

10. Within *Fourteen Days* after the Completion of the Audit, the Auditor shall report upon the Accounts audited, and shall deliver the Report to the Clerk of the Highway Board, who shall cause the same to be deposited in the Office of the Highway Board, and shall publish an Abstract of the Accounts in some One or more of the Newspapers circulated in the District, and shall send a Copy of the Abstract in a prepaid Letter addressed to the Overseers of every Parish in the District separately maintaining its Poor.

Supplemental Provisions.

Supplemental Provisions.

Power of Justices to direct County Surveyor to examine Roads.

28. The Justices of any County, in General or Quarter Sessions assembled, may, if they think fit so to do, by Order, direct the Surveyor of County Bridges, or such other Officer as they may select, to examine from Time to Time, or at such Times as may be specified in the Order, into the State of Repair of all Highways

ways within the County that are under the Jurisdiction of Highway Boards, and in Cases where such Highways are out of repair to represent such Non-repair to the superintending Highway Boards, and if his Representations made are not attended to within such Time as he thinks reasonable, to make Complaint to the Justices of such Non-repair, or take such other Proceedings, by Indictment or otherwise, as he may be advised for enforcing the Repair of the said Highways.

Any Expenses incurred by the said Surveyor or other Officer in carrying into effect any Order made under this Section, including any Remuneration to him for Travelling Expenses, Trouble, and Loss of Time, shall be defrayed out of the County Rate of the County.

Qualifications of District Surveyor.

29. The Justices of any County, in General or Quarter Sessions assembled, may, by Order, to be made in the Case of a Highway District formed after the *passing of this Act* by an Addition to the Provisional Order forming the same, and in the Case of a Highway District formed before the *passing of this Act* to be made at some Court of General or Quarter Sessions held after the passing of this Act, prohibit any Person from being appointed after the Date of their Order a District or Assistant Surveyor who at the Time of such Appointment exceeds a certain specified Age; they may also prescribe the Qualifications which any District or Assistant Surveyor appointed after the Date of their Order in any District within their Jurisdiction must possess; and if any Person to whom this Section applies performs the Duties of District or Assistant Surveyor in any District without being qualified according to the Order of the Justices made in relation to that District, he shall not be entitled to any Salary or Compensation for the Performance of those Duties, and shall be liable to a Penalty not exceeding *One Pound* a Day (to be recovered in a summary Manner) for every Day during which he Acts in contravention of this Section as District Surveyor or Assistant Surveyor.

Appointment of Officers by the Highway Board.

30. If the Highway Board of a District make default in appointing a Treasurer, Clerk, and District Surveyor, or any of such Officers, in pursuance of the "Highway Act, 1862," within *One Month* after the Day fixed by the Justices for the holding of the First Meeting of the Board, the Justices, in General or Quarter Sessions assembled, may appoint a Person to any of the said Offices in respect of which the Default has been made, and may fix the Salary to be paid to the Officer appointed; and any such Appointment shall take effect and Salary be recoverable in the same Manner as if the Officer appointed by the Justices had been appointed by the Highway

Board of the District; and it shall not be lawful for such Board, without the Consent of the said Justices, to remove any Officer appointed by them under this Section, or to lessen his Salary.

Jurisdiction of Justices.

31. The Justices in Petty Sessions may exercise any Jurisdiction which they are authorized under the Highway Acts or any of them to exercise in Special Sessions.

Power of Highway Board to make Improvements and borrow Money.

32. A Highway Board may make such Improvements as are herein-after mentioned in the Highways within their Jurisdiction, and may borrow Money for the Purpose of defraying the Expenses of such Improvements, subject to the following Conditions:

(1.) No Money shall be borrowed, except with the Consent of the Justices of the County in General or Quarter Sessions assembled, after such Justices have approved of the Plans and Estimates submitted to them of the proposed Improvements:

(2.) The said Justices shall determine the Parish or Parishes within the District by which the Sum borrowed and the Interest thereon is to be paid, and in case of more Parishes than One being made liable to pay the Principal and Interest, shall determine the annual Amounts to be contributed by each Parish towards the Payment thereof:

(3.) The said Justices shall determine the Number of Years within which the Principal Monies borrowed are to be paid off, not exceeding *Ten Years*, and the Amount to be set apart in each Year for paying off the same:

(4.) The Money borrowed shall not, in the Case of any Parish within the District that is liable to pay or to contribute to the Payment of the Money borrowed or the Interest thereon, exceed the rateable Value for *One Year* of the Property in that Parish as ascertained for the Purposes of the Highway Rate:

Any Monies directed by the said Justices to be payable by any Parish shall be deemed to be Expenses incurred by the Board in keeping in repair the Highways of that Parish, and be recoverable accordingly.

The Consent of the Justices in General or Quarter Sessions shall be testified by an Order made upon the Application of the Highway Board. The Justices shall hear any Persons opposing such Order, and shall make or withhold the same as they think just.

The Justices may from Time to Time make General Orders in relation to the Mode in which Applications are to be made to them for their Consent under this Act to the borrowing of any Monies.

Definition of Improvements.

33. The following Works shall be deemed to be Improvements of Highways:

(1.) The Conversion of any Road that has not been stoned into a stoned Road:

(2.) The widening any Road in Cases where such widening does not take place by Order of Justices, the cutting off the Corners in any Road where Land is required to be purchased for that Purpose, the levelling Hills, the making any new Road, and the building Bridges:

(3.) The doing of any other Work in respect of Highways, except the Works necessary for keeping the existing Highways in a proper State of Repair.

Power of Highway Board to combine.

34. Two or more Highway Boards may, with the Consent of the Justices in General or Quarter Sessions assembled, combine together for the Purpose of executing any Improvement in respect of Highways that may be for the common Benefit of their respective Districts; and all Monies they may agree to contribute for the Execution of such common Improvements shall, in the case of each Board, be deemed to be Expenses incurred by the several Parishes within their Districts in the Maintenance of their Highways, and shall be apportioned amongst the said Parishes in the same Proportions in which they contribute to the District Fund.

Power for combined Highway Boards to borrow.

35. Any Highway Board that has in pursuance of this Act combined with any other Highway Board for the Purpose of executing any Improvement in Highways for the common Benefit of their respective Districts may borrow Money for the Purpose of defraying the Expenses of such Improvements, subject to the following Conditions:—

(1.) No Money shall be borrowed except with the Consent of the Justices in General or Quarter Sessions assembled, testified by an Order made on the Application of the Board requiring to borrow Money, after the Justices have approved of the Plans and Estimates submitted to them of the proposed Improvements:

(2.) The Money borrowed, when apportioned amongst the Parishes in the District, shall not, together with any Monies that may have been borrowed under the other Provisions of this Act, exceed as respects any One Parish the rateable Value for *One Year* of the Property in that Parish as ascertained for the Purposes of the Highway Rate:

(3.) The said Justices shall determine the Number of Years not exceeding *Ten Years* within which the Principal Monies borrowed are to be paid off, and the Amount to be set apart in each Year for paying off the same.

36. The Clauses of "The Commissioners Clauses Act, 1847," with respect to Mortgages to be created by the Commissioners, shall form Part of and be incorporated with this Act, and any Mortgagee or Assignee may enforce Payment of his Principal and Interest by Appointment of a Receiver.

Certain Clauses of 10 & 11 Vict. c. 16. incorporated.

In the Construction of the said Clauses "the Commissioners" shall mean "the Highway Board."

37. A Highway Board for the Purpose of improving the Highways within their District may purchase such Lands or Easements relating to Lands as they may require; and "The Lands Clauses Consolidation Act, 1845," and the Act amending the same, passed in the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and six, shall be incorporated with this Act, with the Exception of the Clauses relating to the Purchase of Land otherwise than by Agreement.

Incorporation of Lands Clauses Act.

In the Construction of this Act and the said incorporated Acts this Act shall be deemed to be the Special Act, and the Board shall be deemed to be the Promoters of the Undertaking, and the Word "Land" or "Lands" shall include any Easement in or out of Lands.

SCHEDULE.

Proceedings of Highway Boards.

(1.) The Board shall meet for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, including the Quorum at Meetings of the Board, as they think fit, subject to the following Conditions:

(*a.*) The First Meeting after the Formation of the District shall be held at the Time and Place fixed by the Order of the Justices in that Behalf;

(*b.*) *One* Ordinary Meeting shall be held in each Period of *Four* Months, and of such Meetings *One* shall be held within *Seven* Days after the Completion of the Election of new Waywardens in each Year;

(*c.*) An Extraordinary Meeting may be summoned at any Time, on the Requisition of Three Members of the Board, addressed to the Clerk of the Board;

(*d.*) The Quorum to be fixed by the Board shall consist of not less than Three Members;

(*e.*) Every Question shall be decided by a Majority of Votes of the Members present, and voting on that Question;

(*f.*) The Names of the Members present at a Meeting, and upon a Requisition made by Three or more Members voting on a Question, the Names of the Members voting on that Question, shall be recorded.

(2.) The Board shall at the First Meeting, and afterwards from Time to Time at their First Meeting after each annual Appointment of Members of the Board, as hereafter mentioned, appoint One of their Members to be Chairman and One other of their Members to be a Vice-Chairman for the Year following such Choice.

(3.) If any casual Vacancy occur in the Office of Chairman or Vice-Chairman, the Board shall, as soon as they conveniently can after the Occurrence of such Vacancy, choose some Member of their Number to fill such Vacancy; and every such Chairman or Vice-Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Vacancy had not happened.

(4.) If at any Meeting the Chairman is not present at the Time appointed for holding the same, the Vice-Chairman shall be the Chairman of the Meeting; and if neither the Chairman nor Vice-Chairman shall be present, then the Members present shall choose some one of their Number to be a Chairman of such Meeting.

(5.) In case of an Equality of Votes at any Meeting the Chairman for the Time being of such Meeting shall have a Second or Casting Vote.

(6.) The Board may delegate any of their Powers to a Committee, consisting of such Number of Members of their Body as they think fit; but any Committee so formed shall, in the Exercise of the Powers delegated, conform to any Regulations that may be imposed on them by the Board.

(7.) A Committee may elect a Chairman of their Meetings. If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting.

(8.) A Committee may meet and adjourn as they think proper. Every Question at a Meeting shall be determined by a Majority of Votes of the Members present, and voting on that Question; and in case of an equal Division of Votes the Chairman shall have a Second or Casting Vote.

(9.) All Orders of the Board for Payment of Money, and all Precepts issued by the Board, shall be deemed to be duly executed if signed by Two or more Members of the Board authorized to sign them by a Resolution of the Board, and countersigned by the Clerk; but it shall not be necessary in any legal Proceeding to prove that the Members signing any such Order or Precept were authorized to sign them, and such Authority shall be presumed until the contrary is proved.

Highways Act Amendment.

A

B I L L

To amend the Act for the better Management of Highways in England.

(Prepared and brought in by
Sir George Grey and Mr. Baring.)

Ordered, by The House of Commons, *to be Printed,*
19 *May* 1864.

[Bill 113.]

Under 3 oz.

Highways Act Amendment Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

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Clause C.—Repeal of Part of Section 5. of Highway Act of 1862;—6.
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Repeal of Part of Section 6. of Highway Act of 1862 as to Meetings of Board; 9.
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Clause F.—Provisions for Discontinuance of Maintenance of unnecessary Highways; 20.

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Supplemental Provisions.

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Incorporation of Lands Clauses Act; 49.

SCHEDULES.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Act for the better Management of Highways in England.

WHEREAS it is expedient to amend an Act passed in the Session holden in the Twenty-fifth and Twenty-sixth Years of the Reign of Her present Majesty, Chapter Sixty-one, and intituled "An Act for the better Management of "Highways in England:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.
25 & 26 Vict. c. 61.

Preliminary.

Preliminary.

Short Titles of Highway Acts.

1. The Acts herein-after mentioned may be cited for all Purposes by the Short Titles following; that is to say,

The Act passed in the Session of the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Fifty, and intituled "An Act to consolidate and amend the Laws relating "to Highways in that Part of Great Britain called England," by the Short Title of the "Highway Act, 1835:"

The said Act passed in the Session of the Twenty-fifth and Twenty-sixth Years of the Reign of Her present Majesty, Chapter Sixty-one, by the Short Title of the "Highway Act, 1862:"

This Act by the Short Title of the "Highway Act, 1864."

All the above-mentioned Acts and any Acts passed or to be passed amending the same shall be included under the Short Title of "The Highway Acts."

Construction of Act.

2. This Act, so far as is consistent with the Tenor thereof, shall be construed as One with the "Highway Act, 1862."

CLAUSE A. Definition of "Poor Law Parish," "Highway Parish," "Highway Rate," and "County."

3. "Poor Law Parish" shall mean a Place that separately maintains its own Poor.

"Highway Parish" shall mean a Place that after the Constitution of a Highway District separately maintains its own Highways, and is entitled to return a Waywarden or Waywardens to the Highway Board of the District.

"Highway Rate" shall include any Rate, whether Poor Rate or not, out of the Produce of which Monies are payable in Satisfaction of Precepts of a Highway Board.

"County" shall include any Division of a County that has a separate County Treasurer.

Amendments as to Orders of Justices.

Amendments as to Orders of Justices.

Amendment of Section 6. of Highway Act of 1862.

4. Where more Highway Districts than One are comprised in any Order of Justices, whether provisional or final, and whether made before or after the passing of this Act, the Formation of each of such Districts is to be deemed independent of the Formation of any other District, and the Order shall for all Purposes be construed and take effect as if a separate Order had been made in respect of each District; and any Variation in a Provisional Order altering the Parishes in any One or more Districts comprised in that Order shall make that Order provisional only as to the particular District or Districts in which the Alterations are made, and not as to any other District or Districts included in the same Order.

CLAUSE B. Certain Places to be deemed Places separately maintaining their own Highways.

5. Any Parish, Township, Tithing, Hamlet, or other Place having a known legal Boundary in which there are no Highways repairable at the Expense of the Place, or in which the Highways are repaired at the Expense of any Person, Body Politic or Corporate, by reason of any Grant, Tenure, Limitation, or Appointment of any Charitable Gift, or otherwise howsoever than out of a Highway Rate or other General Rate, shall, for the Purposes of the Highway Acts, be deemed to be a Place separately maintaining its own Highways.

Where Part of a Parish is, in pursuance of the Local Government Act, 1858, Amendment Act, 1861, Section 9, treated as forming Part of a District constituted under the Local Government Act, 1858, for all Purposes connected with the Repair of Highways and the Payment of Highway Rates, but for no other Purpose, such Part shall, for the Purposes of the Highway Act, 1862, and this Act, be deemed to be a Place separately maintaining its own Highways, and capable of being included in a Highway District, without requiring the Consent of the Local Board to be given.

Where the Highways of one Part of a Parish are, in pursuance of a Private Act of Parliament, repairable out of a different Rate from that out of which the Highways of the other Part are repairable, each of such Parts shall, for the Purposes of the Highway Acts, be deemed to be a Place separately maintaining its own Highways.

CLAUSE C.
Repeal of Part of s. 5. of Highway Act of 1862.

6. There shall be repealed so much of the Fifth Section of the Highway Act, 1862, as provides that, "when it is proposed that only "Part of a County shall be divided into a Highway District, not "less than Two out of the Five Justices making such Proposal "shall be resident in the said District;" and in lieu thereof be it enacted, That when it is proposed that only Part of a County is to be constituted a Highway District, not less than Two out of the Five Justices making such Proposal shall be resident in the said District or acting in the Petty Sessional Division in which such District or some Part thereof is situate.

Amendment of s. 7. of Highway Act of 1862 as to Combination of Townships, &c.

7. The Power given by the Seventh Section of "The Highway Act, 1862," of combining Townships, Tithings, Hamlets, or Places separately maintaining their own Highways, and situate in a Poor Law Parish, shall extend to combining any Two or more of such Townships, Tithings, Hamlets, or Places, and any Combination so formed shall for all the Purposes of the Highway Acts be deemed to be a Highway Parish.

Where a Township, Tithing, Hamlet, or other Place separately maintaining its own Highways is situate in Two or more Poor Law Parishes, each Part of such Township, Tithing, Hamlet, or other Place may be combined with the Parish in which that Part is situate.

The Justices may, by their Provisional and Final Order, declare that any Poor Law Parish within their Jurisdiction, or Residue of a Poor Law Parish, after excluding such Part, if any, as is prohibited by the "Highway Act, 1862," either wholly or without the Consent of the Governing Body, from being included in the Highway District, shall henceforward become a Highway Parish; and upon such Declaration being made such Poor Law Parish, or Residue a Poor Law Parish, shall thereafter be a Highway Parish entitled to return a Waywarden or Waywardens to the Highway Board of the District in which it is included; and no Rate shall be separately levied for the Maintenance of the Highways, and no separate Waywardens be elected in any Township, Tithing, Hamlet, or other Subdivision of such Poor Law Parish or Residue of a Poor Law Parish.

Where, previously to the passing of the Provisional Order forming a Highway District, no Surveyors or Waywardens have been elected within any Highway Parish in that District, and where the Mode of electing a Waywarden or Waywardens in such Parish is not provided by this Act or the "Highway Act, 1862," the Justices shall, by their Provisional and Final Orders constituting the District, or by any subsequent Provisional and Final Orders, make Provisions for the annual Election of a Waywarden or Waywardens for such Parish.

Power of Justices as to Extra-parochial Places.

8. The Justices may appoint Overseers, or otherwise deal with any Extra-parochial Place with a view to constituting it a Highway Parish or Part of a Highway Parish, in the same Manner as the Justices may deal with such Place for the Purpose of constituting it a Place or Part of a Place maintaining its own Poor, in pursuance of the Powers for that Purpose given by the Act of the Twentieth Year of the Reign of Her present Majesty, Chapter Nineteen.

Repeal of Part of s. 6. of Highway Act of 1862, as to Meetings of Board.

9. The Paragraph No. 5 in the Sixth Section of the "Highway Act, 1862," shall be repealed, and in lieu thereof be it enacted—

The First Meeting of the Highway Board after the Formation of a District shall be held at such Time as may be appointed by the Provisional or Final Order of the Justices, so that the Time appointed be not more than Seven Days after the Expiration of the Time limited by Law for the Election of Waywardens, or, in the Case of a special Day being appointed for such Election, as herein-after mentioned, be not more than Twenty-one Days after that Day.

The Day appointed for the First Meeting of the Board shall for all the Purposes of the Highway Acts be deemed to be the Day of the Formation of the District; and the Surveyor for the Time being of every Parish within the District shall continue in Office until Seven Days after the Appointment of the District Surveyor, and no longer.

Power of Justices to bring Highway Act into

10. In forming a Highway District under the "Highway Act, 1862," the Justices may, for the Purpose of avoiding Delay in bringing the Act into operation, appoint by their Final Order a

Day

operation on a particular Day.

Day on which the First Election of Waywardens, as Members of the Highway Board, is to take place in the District.

On the Day appointed for the Election Waywardens shall be elected in every Parish in the District entitled to elect such Officers by the same Persons and in the same Manner by and in which Waywardens are elected under the "Highway Act, 1862," and all the Provisions of the Highway Acts relating to the Qualifications of Surveyors or Waywardens, and to the Appointment of Surveyors and Waywardens by Justices in the event of no Election taking place, shall apply accordingly; but the Waywardens elected under this Section shall continue in Office only until the Time at which the next annual Election of Surveyors would have taken place in the several Parishes of the District if the same had not been constituted a Highway District, and at that Time new Waywardens shall be elected in manner provided by the Highway Acts.

Publication of Orders in Gazette made permissive.

11. No Order of the Justices forming a Highway District shall be invalidated by reason of its not being published in the London Gazette; and where any Reference is made in any Section of the "Highway Act, 1862," to the Date of the Publication in the Gazette of the Order, such Section shall be construed as if the Date of the making of the Final Order under which the District is formed were substituted for "the Date of the Publication in the Gazette of the Order under which the District is formed;" and any Copy of the Provisional or Final Order of the Justices forming a Highway District, certified under the Hand of the Clerk of the Peace to be a true Copy, shall be receivable in all Courts of Justice and in all legal Proceedings as Evidence of the Formation of the District and of the Matters in the said Order mentioned.

Union of Parishes in different Counties.

12. Contiguous Places situate in different Counties and Places situate partly in one County and partly in another County or Counties shall, for the Purpose of being united in One Highway District, be deemed to be subject to the Jurisdiction of the Justices of any County, who may make a Provisional and Final Order constituting them an Highway District, in the same Manner as if all such Places or Parts of Places were situate in such last-mentioned County; subject to this Proviso, that the Provisional and Final Orders of the Justices of the said County shall be of no Validity unless Provisional and Final Orders to the same Effect are passed either concurrently with or subsequently to the first-mentioned Provisional and Final Orders by the Justices of every other County in which any of the said Places or Parts of Places are situate.

Amendment of s. 39. of Highway Act, 1862.

13. The Approval of the Justices of any County to any Provisional Order made by the Justices of another County affecting any Place in such first-mentioned County, in pursuance of the Thirty-ninth Section of the "Highway Act, 1862," shall be testified by Provisional and Final Orders of the Justices of the said first-mentioned County.

The Powers conferred on Justices by the Thirty-ninth Section of the "Highway Act, 1862," shall be deemed to extend to the Separation of any Townships, Tithings, Hamlets, or Places separately maintaining their own Highways which may have been consolidated by any previous Order of the Justices, and to an Alteration in the Number of Waywardens of any Parish.

Costs of Parish applying to be removed from one District to another.

14. Where, after the Formation of an Highway District, an Application is made by any Parish in that District to any Court of General or Quarter Sessions, praying that the said Parish may be removed from that District, all Costs incidental to or consequential on such Application and the Removal of the said Parish shall, unless the Court otherwise directs, be paid by the Parish that has made the Application in such Manner as the said Court may direct. The Amount of such Costs shall be raised in the same Manner as if they were Expenses incurred in maintaining and keeping in repair the Highways of that Parish.

Validity of Order of Justices.

15. No Order of the Justices forming a Highway District, whether made before or after the passing of this Act, shall be void by reason that it includes in such District a Place which the Justices are not entitled to include under the Provisions of this Act or the "Highways Act, 1862," or One of such Acts; and any Order containing such prohibited Place shall be construed and take effect as if that Place had not been mentioned therein.

All Expenses properly incurred by the Justices of any County in maintaining the Validity of any Provisional or Final Order made by them shall be payable out of the County Rate of that County.

CLAUSE D.
Extent of Powers of Justices.

16. All Powers and Jurisdictions vested in Justices by the "Highway Act, 1862," and this Act, or either of such Acts, may from Time to Time be exercised in relation to Highway Districts, Highway Boards, and Highway Parishes already formed, as well as upon the Occasion of forming new Highway Districts, Boards, or Parishes.

Definition of Provisional and Final Orders.

17. The Expression "Provisional and Final Order," as used in this Act, shall mean a Provisional and Final Order passed and published in manner provided by this Act and the "Highway Act, 1862," with the necessary Variations as to Notices and otherwise.

Miscellaneous Amendments.

Appointment and Vote of Waywardens.

18. Every Waywarden, before taking his Seat as a Member of a Highway Board, shall produce a Certificate of his having been duly elected or appointed a Waywarden, and such Certificate shall, in the Case of an Elected Waywarden, be signed by the Chairman of the Vestry or other Meeting at which he was elected; and in the Case of a Waywarden appointed by Justices, be signed by the Justices making the Appointment.

A Waywarden may sit as such for more Places than One, but he shall be entitled to One Vote only as Waywarden.

Clause E. Contracts by Waywardens.

19. Whereas Doubts are entertained whether the Forty-sixth Section of the Highway Act of 1835 applies to a Highway District: Be it enacted, That that Section shall not apply to the Highway Board of any Highway District or to any Parish within any Highway District.

Notwithstanding anything contained in the Act of the Session of the Twenty-sixth and Twenty-seventh Years of the Reign of Her present Majesty, Chapter Sixty-one, or in any other Act, any Waywarden may contract for the Supply or Cartage of Materials within the Parish for which he is Waywarden, with the Licence of Two Justices assembled at Petty Sessions, such Licence to be granted on the Application of the Clerk of the Highway Board, who must be authorized to make such Application by a Resolution of his Board assembled at a Meeting of which Notice has been given.

Clause F. Provisions for Discontinuance of Maintenance of unnecessary Highways.

20. When any Highway Board consider any Highway unnecessary for public Use, they may direct the District Surveyor to apply to Two Justices to view the same, and thereupon the like Proceedings shall be had as where Application is made under the "Highway Act, 1835," to procure the stopping up of any Highway, save only that the Order to be made thereupon, instead of directing the Highway to be stopped up, shall direct that the same shall cease to be a Highway which the Parish is liable to repair, and the Liability of the Parish shall cease accordingly; and for the Purpose of such Proceedings under this Enactment, such Variation shall be made in any Notice, Certificate or other Matter preliminary to the making of such Order as the Nature of the Case may require: Provided, that if at any Time thereafter, upon Application of any Person interested in the Maintenance of such Highway, after One Month's previous Notice in Writing thereof to the Clerk of the Highway Board for the District in which such Highway is situated, it appear to any Court of General or Quarter Sessions of the Peace that from any Change of Circumstances since the Time of the making of any such Order as aforesaid under which the Liability of the Parish to repair such Highway has ceased the same has become of public Use, and ought to be kept in repair by the Parish, they may direct that the Liability of the Parish to repair the same shall revive from and after such Day as they may name in their Order, and such Liability shall revive accordingly, as if the first-mentioned Order had not been made; and the said Court may by their Order direct the Expenses of and incident to such Application to be paid as they may see fit.

Clause G. Highway Board may contract to repair Highways for the Repair of which other Parties are liable.

21. The Highway Board of any District may contract with any Persons or Body of Persons, corporate or unincorporate, to repair any Highways, Turnpike Roads, or Roads over County or other Bridges, County Bridges, or any Part thereof, for the repairing of which such Persons or Body of Persons are liable; and any Persons or Body of Persons liable to repair any Roads may contract with the Highway Board for the repairing any Highways, inclusive as aforesaid, or any Part thereof, which the Highway Board is liable to make or repair; and the Money payable under any Contract made in pursuance of this Section shall be raised in the same Manner and be paid out of the same Rates as would have been applicable to defray the Expenses of the Repair of such Highways if no Contract had been made in respect thereto.

Clause H. Amendment of s. 34. of Highway Act, 1862.

22. Section Thirty-four of the "Highway Act, 1862," shall be construed as if, instead of the Words "shall be adjudged in the Manner provided by the Principal Act to be out of Repair," the Words were substituted, "shall be adjudged in manner provided by the Highway Act, 1862, to be out of Repair."

Clause I. Amendment of s. 35. of Highway Act of 1862.

23. The Highway Board may apply, under Section Thirty-five of the "Highway Act of 1862," for the Purpose of making any Highway to which that Section refers a Highway to be repaired and maintained by the Parish in which the same is situate, and upon such Application being made the same Proceedings may be had as upon the Application of the Person or Corporation liable to repair the same.

Clause K. Penalty as to Cattle found straying on Highways.

24. The Seventy-fourth Section of the "Highway Act, 1835," shall be repealed, and instead thereof be it enacted, if any Horse, Ass, Sheep, Swine, or Cattle of any Kind is at any Time found straying on or lying about any Highway, or across any Part thereof, or by the Sides thereof, (except on such Parts of any Highway as pass over any Common or Waste or uninclosed Ground,) without a Keeper, the Owner or Owners thereof shall, for every Horse, Ass, Sheep, Swine, or Head of Cattle so found straying or lying, be liable to a Penalty not exceeding Five Shillings, to be recovered in a summary Manner, together with the reasonable Expense of removing such Animals from the Highway where they are found to the Fields or Stable of the Owner or Owners.

Service of Notices issued by Highway Board.

25. Any Notice in respect of which no other Mode of Service is provided by the Highway Board in pursuance of Powers in that Behalf conferred on them, and any Precept, Summons, or Order issued by the Highway Board, may be served,—

By Delivery of the same personally on the Party required to be served; or

By leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

By forwarding the same by Post as a registered prepaid Letter addressed to the usual or last known Place of Abode of such Party.

In proving Service of a Document by Post it shall be sufficient to prove that the Document was properly directed, and that it was put as a registered prepaid Letter into the Post Office; and in serving Notice on the Overseers or the Waywardens (if more than One) of any Parish it shall be sufficient to serve the same on any One of such Officers in a Parish.

Repeal of Schedule to Highway Act of 1862.

26. The Schedule annexed to the "Highway Act of 1862" shall be repealed, and the Proceedings of Highway Boards shall, after the passing of this Act, be subject to the Regulations contained in the First Schedule to this Act annexed.

CLAUSE L. Amendment of s. 43. of Highway Act, 1862.

27. The Forty-third Section of the "Highway Act of 1862" shall be construed as if in the Second Article thereof the Words "not exceeding Five Pounds" were omitted.

Qualification of ex officio Waywardens.

28. A Justice of the Peace acting for the County in which a Highway District is situate, if he is resident in any Place which is prohibited either altogether or without the Consent of the Local Authority from being included in a Highway District by the Seventh Section of the "Highway Act of 1862," and which is surrounded by or adjoins in any Part such Highway District, or if he is resident elsewhere, and has Property of an annual rateable Value of not less than One hundred Pounds in such Highway District, shall, by virtue of his Office, be a Member of the Highway Board of such District, subject to this Qualification, that if in pursuance of this Section any Justice of the Peace would be entitled to be a Member of Two or more Highway Boards in the same County, he shall, by Letter under his Hand, addressed to the Clerk of the Peace of the County, declare of which of the said Highway Boards he elects to be a Member, and having made that Election he shall be bound thereby, and shall not be entitled, by virtue of his Office of Justice, to be a Member of any other of the said Boards.

29. The

Appointment of Assistant Surveyors.

29. The Appointment of any Officer of a Highway Board may be made by a Minute of the Board, signed by the Chairman and countersigned by the Clerk of the Board, and any Appointment so made shall be as valid as if it were made under the Seal of the Board.

CLAUSE M.
Power to appoint paid Collectors of Highway Rates.

30. The Power of appointing paid Collectors of Highway Rates with the Consent of the Inhabitants in Vestry assembled, which is vested in a Surveyor by the "Highway Act, 1835," and all the Provisions of that Act relating to such Appointment, shall be vested in and extend to any Waywarden required to levy Rates in pursuance of the "Highway Act, 1862," and this Act, or either of such Acts; and for the Purposes of this Act any Meeting of Ratepayers entitled to elect a Waywarden or Waywardens shall be deemed to be included under the Expression "Inhabitants in Vestry assembled," as used in this Section, and the Highway Acts.

As to Expenses of Board.

Repeal of Sections 20, 21, 22, 23, and 24 of Highway Act, 1862.

31. Sections Twenty, Twenty-one, Twenty-two, Twenty-three, and Twenty-four of the "Highway Act, 1862," relating to the Expenses of the Board, shall be repealed; but such Repeal shall not affect any Rate made previously to the passing of this Act, or any legal Proceeding or Remedy for enforcing the same.

Expenses how charged.

The Salaries of the Officers appointed for each District, and any other Expenses incurred by any Highway Board for the common Use or Benefit of the several Parishes within such District, shall be annually charged to a District Fund to be contributed by and charged upon the several Highway Parishes within such District, in proportion to the rateable Value of the Property in each Parish, but the Expenses of maintaining and keeping in repair the Highways of each Highway Parish within the District, and all other Expenses legally payable by the Highway Board in relation to such Parish, including any Sums of Money that would have been payable out of the Highway Rates of such Parish if the same had not become Part of a Highway District, except such Expenses as are in this Act authorized to be charged to the District Fund, shall be a separate Charge on each Parish.

The rateable Value of the Property in each Parish shall be ascertained according to the Valuation List or other Estimate for the Time being in force in such Parish for the Purposes of the Poor Rate, or if no such Valuation List or Estimate be in force, then in such Manner as may be determined by the Justices in Petty Sessions, subject to an Appeal by any Person aggrieved to the next General or Quarter Sessions.

32. For

Mode of defraying Expenses of the Highway Board.

32. For the Purpose of obtaining Payment from the several Highway Parishes within their District of the Sums due from them, the Highway Board shall order Precepts to be issued to the Waywardens or Overseers of the said Parishes according to the Provisions herein-after contained, stating the Sum to be contributed by each Parish, and requiring the Officer to whom the Precept is addressed, within a Time to be limited by the Precept, to pay the Sum therein mentioned to the Treasurer of the Board.

Where a Highway Parish is not a Parish separately maintaining its own Poor, or where in any Highway Parish it has, for a Period of not less than Seven Years immediately preceding the passing of the "Highway Act, 1862," been the Custom of the Surveyor of Highways for such Parish to levy a Highway Rate in respect of Property not subject by Law to be assessed to Poor Rates, the Precept of the Highway Board shall be addressed to the Waywarden of the Parish, and in all other Cases it shall be addressed to the Overseers.

Where the Precept is addressed to a Waywarden he shall pay the Sum thereby required out of a separate Rate, and such separate Rate shall, in the Case of a Parish in which for such Period aforesaid it has been the Custom of the Surveyor of Highways to levy a Highway Rate in respect of Property not subject by Law to be assessed to Poor Rate, be assessed on and levied from the Persons and in respect of the Property on, from, and in respect of which the same has been assessed and levied during such Period as aforesaid, and in all other Cases such Rate shall be assessed on and levied from the Persons and in respect of the Property on, from, and in respect of which a Poor Rate would be assessable and leviable if the Parish of which he is Waywarden were a Place separately maintaining its own Poor.

No Rate leviable by a Waywarden under this Act shall be payable until the same has been published in manner in which Rates for the Relief of the Poor are by Law required to be published.

A Waywarden shall account to the Highway Board for the Amount of all Rates levied by him, and at the Expiration of his Term of Office shall pay any Surplus in his Hands arising from any Rate so levied above the Amount for which the Rate was made, to the Treasurer of the Highway Board, to the Credit of the Parish within which such Rate was made, and such Surplus shall go in Reduction of the next Highway Rate that may be leviable in such Parish.

Where the Precept is addressed to the Overseers they shall pay the Sum thereby required out of a Poor Rate to be levied by them, or out of any Monies in their Hands applicable to the Relief of the Poor.

No Contribution required to be paid by any Parish at any One Time in respect of Highway Rates shall exceed the Sum of Tenpence in the Pound, and the Aggregate of Contributions required to be paid by any Parish in any One Year in respect of Highway Rates shall not exceed the Sum of Two Shillings and Sixpence in the Pound, except with the Consent of Four Fifths of the Ratepayers of the Parish in which such Excess may be levied present at a Meeting specially called for the Purpose, of which Ten Days previous Notice has been given by the Waywarden of such Parish, and then only to such Extent as may be determined by such Meeting.

All Sums of Money payable in pursuance of the Precepts of a Highway Board shall, whether they are or not payable by the Overseers of the Poor, be subject to all Charges to which ordinary Highway Rates are subject by Law.

Power to levy Rates for making Payments to Highway Board.

33. All Waywardens and Overseers to whom Precepts of a Highway Board are hereby directed or authorized to be issued shall within their respective Parishes have the same Powers, Remedies, and Privileges, for and in respect of assessing and levying any Rates required to be levied for making Payments to a Highway Board, in the Case of Overseers, as they have in assessing and levying ordinary Rates for the Relief of the Poor, and in the Case of Waywardens as they would have if the Parish of which they are Waywardens were a Place separately maintaining its own Poor, and they were Overseers thereof, and the Rate to be levied by them were a duly authorized Poor Rate.

Mode of enforcing Payments to Highway Boards.

34. If any Payment required to be made by the Overseers or Waywardens of any Parish of Monies due to a Highway Board is in arrear, it shall be lawful for any Two Justices, on Application under the Hand of the Chairman for the Time being or of the Clerk of such Board, to summon the said Overseers or Waywardens to show Cause at Petty Sessions why such Payment has not been made; and the Justices at such Petty Sessions, after hearing the Complaint preferred on behalf of the Board, may, if they think fit, cause the Amount of Payment in arrear, together with the Costs occasioned by such Arrear, to be levied and recovered from the said Overseers or Waywardens, or any of them, in like Manner as Monies assessed for the Relief of the Poor may be levied and recovered, and the Amount of such Arrear, together with the Costs aforesaid, when levied and recovered, to be paid to the said Board.

Accounts

Accounts of Board.

Accounts of Board.

Repeal of Provisions of Highway Act relating to Accounts, and Substitution of other Provisions.

35. The Twenty-fifth, Twenty-sixth, and Thirtieth Sections of the "Highway Act, 1862," shall be repealed, but such Repeal shall not affect any Proceeding commenced previously to the passing of this Act, and instead thereof the following Provisions shall be enacted; that is to say,

The Accounts of every Highway Board shall be made up and balanced to the Thirty-first of December in every Year.

After the Expiration of not less than Fourteen Days nor more than Twenty-eight Days from the Thirty-first of December, the Accounts shall be examined by the Board, and signed by the Chairman.

The Board may, if they think fit, appoint any fit Person not being a Member or Officer of the Board to audit their Accounts, and may award to him a reasonable Compensation, to be paid out of the District Fund.

Within Thirty Days after the Signature of the Accounts by the Chairman the Board shall cause a Statement showing the Receipt and Expenditure in respect of each Parish, and the apportioned Part of Expenditure chargeable thereto in respect of the District Fund, and such other Particulars and in such Form as the Secretary of State may direct, to be printed, and sent by Post or otherwise to each Member of the Board, and to the Overseers of every Parish within the District having Overseers; and the Clerk of the Board shall furnish a Copy of such Statement to any Ratepayer within the District, on his Application, and on the Payment of a Sum not exceeding One Penny.

The Books of Account of the Board shall at all seasonable Times be open to the Inspection of any Ratepayer of any Highway Parish within the District of the Board.

CLAUSE N. Appeal against Rate.

36. If any Person feels aggrieved by any Rate levied on him for the Purpose of raising Monies payable under a Precept of a Highway Board, on the Ground of Incorrectness in the Valuation of any Property included in such Rate, or of any Person being put on or left out of such Rate, or of the Inequality or Unfairness of the Sum charged on any Person or Persons therein, he may appeal to the Justices in Special Sessions in manner provided by the Act of the Session of the Sixth and Seventh Years of the Reign of His Majesty King William the Fourth, Chapter Ninety-six, Sections Six and Seven, and all the Provisions of the said Sections shall be applicable to such Appeal.

Clause O. Appeal to Quarter Sessions against Accounts.

37. Where any Waywarden of a Highway Parish of a District, or any Ratepayer of such Parish, feels aggrieved in respect of the Matters following—

(1.) In respect of any Order of the Highway Board for the Repair of any Highway in his Parish, on the Ground that such Highway is not legally repairable by the Parish, or in respect of any other Order of the Board on the Ground that the Matter to which such Order relates is one in regard to which the Board have no Jurisdiction to make an Order;

(2.) In respect of any Item of Expense charged to the separate Account of his Parish on the Ground that such Item of Expense has not in fact been incurred or has been incurred in respect of a Matter upon which the Board have no Authority by Law to make any Expenditure whatever;

(3.) In respect of any Item of Expenditure charged to the District Fund on the Ground that such Item of Expense has not in fact been incurred, or has been incurred in respect of a Matter upon which the Board has no Authority by Law to make any Expenditure whatever;

(4.) In respect of the Contribution required to be made by each Parish to the District Fund on the Ground that such Amount, when compared with the Contribution of other Parishes in the District, is not according to the Proportion required by this Act,

he may, upon complying with the Conditions herein-after mentioned, appeal to the Court of General or Quarter Sessions having Jurisdiction in the District; but no Appeal shall be had in respect of any Exercise of the Discretion of the Board in Matters within their Discretion; and no Appeal shall be had except in respect of the Matters and upon the Grounds herein-before mentioned.

Clause P. Conditions of Appeal to General or Quarter Sessions.

38. No Appeal shall be entertained by any Court of General or Quarter Sessions, in pursuance of this Act, unless the following Conditions have been complied with:—

(1.) Notice of the Intention of Appeal must be served by the Appellant on the Clerk of the Highway Board in the Case of an Appeal against an Order within Two Months after the Order, and in the Case of an Appeal in respect of any Item of Expense or Contribution, within One Month after the Statement of the Account of the Board has been sent to each Member of the Board as herein-before mentioned:

(2.) The Notice must state the Matter appealed against, and the Ground of the Appeal:

On the Receipt of the Notice the Board may serve a Counter-Notice on the Appellant, requiring him to appear in Person or by his Agent at the next Meeting of the Board and support his Appeal. On hearing the Appellant, the Board may rectify the Matter complained of, and if they do so to a reasonable Extent, and tender to the Appellant a reasonable Sum for the Costs of his Attendance, it shall not be lawful for the Appellant to proceed with his Appeal. In any other Case the Appellant may proceed with his Appeal, and the reasonable Costs of his Attendance on the Board shall be deemed Part of the Costs of the Appeal.

CLAUSE Q. Power to refer Case to Arbitration.

39. If at any Time after Notice of Appeal has been given it appears to the Court of General or Quarter Sessions, on the Application of either Party, in the Presence of or after Notice has been given to the other Party that the Matter in question in such Appeal consists wholly or in part of Matters of mere Account which cannot be satisfactorily tried by the Court, it shall be lawful for such Court to order that such Matters, either wholly or in part, be referred to the Arbitration of One or more Persons, to be appointed by the Parties, or, in case of Disagreement, by the Court; and the Award made on such Arbitration shall be enforceable by the same Process as the Order of the Court of Quarter Sessions.

CLAUSE R. Incorporation of Provisions of the Common Law Procedure Act.

40. The Provisions of "The Common Law Procedure Act, 1854," relating to compulsory References, shall be deemed to extend to Arbitrations directed by the Court of Quarter Sessions; and the Word "Court" in the said Act shall be deemed to include the Court of Quarter Sessions.

CLAUSE S. Proceedings on Appeal.

41. If upon the Hearing of the Appeal it appears to the Court that the Question in dispute involves an Inquiry as to whether a Road is or is not a Highway repairable by the Public, or an Inquiry as to any other important Matter of Fact, the Court may either themselves decide such Question, or may impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions, and submit to such Jury such Questions in relation to the Matters of Fact in dispute as the Court think fit; and the Verdict of such Jury, after hearing the Evidence adduced, shall be conclusive as to the Questions submitted to them.

The Questions so submitted shall be in the Form and shall be tried as nearly as may be in the Manner in which feigned Issues are ordinarily tried, and the Court shall decide the Parties to be Plaintiffs and Defendants in such Trials.

Subject as aforesaid the Court may, upon the Hearing of any Appeal under this Act, confirm, reverse, or modify any Order of the Highway Board, or rectify any Account appealed against.

CLAUSE T.
Costs of Appeal.

42. If the Appellant is successful the Costs shall, unless the Court otherwise orders, be paid by the Board, and shall be charged to the Parishes within the Jurisdiction of the Board other than the Parish to which the Appellant belongs, in the same Proportions in which such Parishes contribute to the Common Fund of the Board.

If the Appellant is unsuccessful, the Board, if the Waywarden be the Appellant, may charge the Costs of the Appeal to the Parish to which the Appellant belongs, in the same Manner as if they were Expenses incurred in repairing the Roads in such Parish, and may levy the Sum accordingly, and may carry the Sum so levied to the Account of the several Parishes within the Jurisdiction of the Board, other than the Parish to which the Appellant Waywarden belongs, in the same Manner as if they were Expenses contributed by such Parishes to the Common Fund of the Board; but if some Ratepayer other than the Waywarden is the Appellant, the Court may order the Costs of the Appeal to be paid by such Appellant; and such Costs shall be recoverable in the same Manner as a Penalty is recovered under "The Highway Act, 1862."

Supplemental Provisions.

Default of Highway Board in appointing Officers.

43. If the Highway Board of a District make default in appointing a Treasurer, Clerk, and District Surveyor, or any of such Officers, in pursuance of the "Highway Act, 1862," within Three Months after the Day fixed by the Justices for the holding of the First Meeting of the Board, or within Three Months after a Vacancy occurring in any of the said Offices, the Justices, in General or Quarter Sessions assembled, may, if they think fit, appoint a Person to any of the said Offices in respect of which the Default has been made, and may fix the Salary to be paid to the Officer appointed; and any such Appointment shall take effect and Salary be recoverable in the same Manner as if the Officer appointed by the Justices had been appointed by the Highway Board of the District; and it shall not be lawful for such Board, without the Consent of the said Justices, to remove any Officer appointed by them under this Section, or to lessen his Salary within One Year from the Date of his Appointment.

Jurisdiction of Justices in Petty Sessions.

44. The Justices assembled in Petty Sessions at their usual Place of Meeting may exercise any Jurisdiction which they are authorized under the Highway Acts or any of them to exercise in Special Sessions; and no Justice of the Peace shall be disabled from acting as such at any Petty, or Special, or General Quarter Sessions in any Matter merely on the Ground that he is by virtue of his office a Member of any Highway Board complaining, interested, or concerned in such Matter, or has acted as such at any Meeting of such Board.

45. A Highway

Power of Highway Board to make Improvements and borrow Money.

45. A Highway Board may make such Improvements as are herein-after mentioned in the Highways within their Jurisdiction, and may, with the Approval of the Justices in General or Quarter Sessions assembled, borrow Money for the Purpose of defraying the Expenses of such Improvements:

Previously to applying for the Approval of the Justices the Highway Board shall cause an Estimate of the Expense of the Improvements to be made, and Two Months at the least before making their Application shall give Notice of their Intention so to do.

The Notice shall state the following Particulars:

(1.) The Nature of the Work, the estimated Amount of Expense to be incurred, and the Sum proposed to be borrowed:

(2.) The Parish or Parishes within the District by which the Sum borrowed and the Interest thereon is to be paid, and in case of more Parishes than One being made liable to pay the Principal and Interest the annual Amounts to be contributed by each Parish towards the Payment thereof:

(3.) The Number of Years within which the Principal Monies borrowed are to be paid off, not exceeding Ten Years, and the Amount to be set apart in each Year for paying off the same:

(4.) The Sessions at which the Application is to be made.

Notice shall be given as follows:

(1.) By transmitting a Copy to the Clerk of the Peace for the County or Division:

(2.) By placing a Copy of such Notice for Three successive Sundays on the Church Door of a Church of the Parish or Parishes on behalf of which such Works are to be done, or, in the Case of any Place not having a Church, in some conspicuous Position in such Place.

Upon the Hearing of the Application, any Person or Persons may oppose the Approval of the Justices being given, and it shall be lawful for the Justices to give or withhold their Approval, with or without Modification, as they think just.

All Monies borrowed in pursuance of this Act, together with the Interest thereon, shall be a First Charge on the Highway Rates of each Parish liable to contribute to the Payment thereof, after paying the Sums due to the Highway Board on account of the District Fund, in the same Manner, so far as the Creditor is concerned, as if the Money had been borrowed on account of each Parish alone; and the Sums necessary to repay the said borrowed Monies, with Interest, shall in each such Parish be recoverable in the same Manner as if they were Expenses incurred by the Board in keeping in repair the Highways of that Parish.

But it shall be the Duty of the Highway Board, in case of any One Parish paying more than its Share of such borrowed Money, or of the Interest thereon, to make good to that Parish the Excess so paid out of the Rates of the other Parishes liable to contribute thereto.

The Justices may from Time to Time make General Orders in relation to the Mode in which Applications are to be made to them for their Consent under this Act to the borrowing of any Monies.

Definition of Improvements.

46. The following Works shall be deemed to be Improvements of Highways:

(1.) The Conversion of any Road that has not been stoned into a stoned Road:

(2.) The widening any Road, the cutting off the Corners in any Road where Land is required to be purchased for that Purpose, the levelling Roads, the making any new Road, and the building Bridges:

(3.) The doing of any other Work in respect of Highways beyond ordinary Repairs essential to placing any existing Highway in a proper State of Repair.

Power for Parishes and Districts to contribute to Improvements.

47. Any Parish may, with the Consent of its Waywarden, contribute to any Improvements made in another Parish, whether situate or not in the same District, if such first-mentioned Parish consider such Improvements to be for its Benefit; and any Highway Board may contribute to any Improvements made in another District, if such Improvements are, in the Opinion of the Highway Board of the first-mentioned District, for the Benefit of their District. The Contribution to be made by one Parish to another shall be payable in the same Manner as if such Contributions were Monies due from the contributing Parish in respect of Expenses incurred in keeping in repair the Highways of that Parish, and Monies contributed by one District to another District shall be payable out of the Common Fund of the contributing District.

Certain Clauses of 10 & 11 Vict. c. 16. incorporated.

48. The Clauses of "The Commissioners Clauses Act, 1847," with respect to Mortgages to be created by the Commissioners, shall form Part of and be incorporated with this Act, and any Mortgagee or Assignee may enforce Payment of his Principal and Interest by Appointment of a Receiver.

In the Construction of the said Clauses "the Commissioners" shall mean "the Highway Board."

Mortgages and Transfers of Mortgages shall be valid if made in the Forms prescribed by the last-mentioned Act, or in the Forms appearing in the Second Schedule annexed to this Act, or as near thereto as Circumstances admit.

Incorporation of Lands Clauses Act.

49. A Highway Board for the Purpose of improving the Highways within their District may purchase such Lands or Easements relating to Lands as they may require; and "The Lands Clauses Consolidation Act, 1845," and the Act amending the same, passed in the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and six, shall be incorporated with this Act, with the Exception of the Clauses relating to the Purchase of Land otherwise than by Agreement.

In the Construction of this Act and the said incorporated Acts this Act shall be deemed to be the Special Act, and the Board shall be deemed to be the Promoters of the Undertaking, and the Word "Land" or "Lands" shall include any Easement in or out of Lands.

FIRST SCHEDULE.

Proceedings of Highway Boards.

(1.) The Board shall meet for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, including the Quorum at Meetings of the Board, as they think fit, subject to the following Conditions:

(*a.*) The First Meeting after the Formation of the District shall be held at the Time and Place fixed by the Order of the Justices in that Behalf;

(*b.*) One Ordinary Meeting shall be held in each Period of Four Months, and of such Meetings One shall be held on some Day between the Seventh and Fourteenth Days of April.

(*c.*) An Extraordinary Meeting may be summoned at any Time, on the Requisition of Three Members of the Board, addressed to the Clerk of the Board;

(*d.*) The Quorum to be fixed by the Board shall consist of not less than Three Members;

(*e.*) Every Question shall be decided by a Majority of Votes of the Members voting on that Question;

(*f.*) The Names of the Members present at a Meeting shall be recorded.

(2.) The Board shall at the First Meeting, and afterwards from Time to Time at their First Meeting after each annual Appointment of Members of the Board, as hereafter mentioned, appoint One of their Members to be Chairman and One other of their Members to be a Vice-Chairman for the Year following such Choice.

(3.) If any casual Vacancy occur in the Office of Chairman or Vice-Chairman, the Board shall, as soon as they conveniently can after the Occurrence of such Vacancy, choose some Member of their Number to fill such Vacancy; and every such Chairman or Vice-Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Vacancy had not happened.

(4.) If at any Meeting the Chairman is not present at the Time appointed for holding the same, the Vice-Chairman shall be the Chairman of the Meeting; and if neither the Chairman nor Vice-Chairman shall be present, then the Members present shall choose some one of their Number to be a Chairman of such Meeting.

(5.) In case of an Equality of Votes at any Meeting the Chairman for the Time being of such Meeting shall have a Second or Casting Vote.

(6.) All Orders of the Board for Payment of Money, and all Precepts issued by the Board, shall be deemed to be duly executed if signed by Two or more Members of the Board authorized to sign them by a Resolution of the Board, and countersigned by the Clerk; but it shall not be necessary in any legal Proceeding to prove that the Members signing any such Order or Precept were authorized to sign them, and such Authority shall be presumed until the contrary is proved.

Form (A.)

Notice is hereby given, That at the Court of *General* or *Quarter* Sessions to be held on the Day of a Proposal will be made *to divide the County of Lincoln into Highway Districts* [or *to divide the Parts of Holland in the County of Lincoln into Highway Districts*, or *to constitute the County of Rutland a Highway District*, or *to constitute the Parishes of Alford, Castle Carey, and Lovington, in the County of Somerset, a Highway District.*]

Form (B.)

Whereas at a Court of *General* or *Quarter* Sessions, held on the Day of last, a Provisional Order was made in the Words following; that is to say, [*here set out the Provisional Order*]

Notice is hereby given, that the Confirmation of the said Provisional Order by a Final Order will be taken into consideration by the Justices at the Court of *General* or *Quarter* Sessions to be held on the Day of next.

SECOND SCHEDULE.

FORMS.

Form of Mortgage.

Note.—*See Section 36 of Act.*

Note.—*Highway Rate includes Poor Rate, when the Highways are maintained out of Poor Rate. See Sect. of Act.*

Note.—*Highway Parish means every Parish that separately returns a Waywarden or Waywardens to the Highway Board. See Sect. of Act.*

The Highway Board of the District, in consideration of Pounds paid to the Treasurer of the said Board by *A.B.* of , assigns unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Highway Rates leviable in the Highway Parish or Parishes of [*name the Parishes*] as the said Sum of Pounds bears to the whole Sum borrowed on the Credit of the said Rates, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, with Interest at the Rate of Pounds per Centum per Annum, is paid.

The Interest on this Mortgage will be paid at on the Day and Days of in every Year.

The Principal will be paid at on the Day of .

Given under our Corporate Seal this Day of 18 .

Note.—*The Mortgage must be under the Corporate Seal of the Board, and duly stamped. See Commissioners Clauses Act,* 10 *Vict. c.* 16. *s.* 75.

Transfer of Mortgage by Indorsement.

The within-named *A.B.*, in consideration of the Sum of Pounds paid to him by *C.D.* of , hereby transfers to the said *C.D.*, his Executors, Administrators, and Assigns, all his Interest in the Monies secured by the within-written Mortgage and in the within-named Rates.

In witness whereof the said *A.B.* has hereunto set his Hand and Seal this Day of 18 .

Note.—*The Transfer must be under Seal and duly stamped. See Section* 77 *of Commissioners Clauses Act,* 10 *Vict. c.* 16.

Highways Act Amendment.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Act for the better Management of Highways in England.

(*Prepared and brought in by*
Sir George Grey and Mr. Baring.)

Ordered, by The House of Commons, *to be Printed,*
27 *June* 1864.

[Bill 177.]

Under 4 *oz.*]

LORDS AMENDMENTS

TO THE

HIGHWAYS ACT AMENDMENT BILL.

Note.—*The Page and Line refer to the Bill* (207.) *as first printed by the Lords.*

Page 4.

Line 28. After ("Justices") insert ("in Petty Sessions")

Page 9.

Leave out Clause 25. and insert Clause (A.)

Clause (A.) The Seventy-fourth Section of the "Highway Act, 1835," shall be repealed, and instead thereof be it enacted, If any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Goat, Kid, or Swine is at any Time found straying on or lying about any Highway, or across any Part thereof, or by the Sides thereof, (except on such Parts of any Highway as pass over any Common or Waste or uninclosed Ground,) the Owner or Owners thereof shall, for every Animal so found straying or lying, be liable to a Penalty not exceeding Five Shillings, to be recovered in a summary Manner, together with the reasonable Expense of removing such Animal from the Highway where it is found to the Fields or Stable of the Owner or Owners, or to the Common Pound (if any) of the Parish where the same shall be found, or to such other Place as may have been provided for the Purpose: Provided always, that no Owner of any such Animal shall in any Case pay more than the Sum of Thirty Shillings, to be recovered as aforesaid, over and above such reasonable Expenses as aforesaid, including the usual Fees and Charges of the authorized Keeper of the Pound: Provided also, that nothing in this Act shall be deemed to extend to take away any Right of Pasturage which may exist on the Sides of any Highway.

Page 10.

Line 19. After ("Clerk") insert ("of the Highway Board for "which he elects to act, and by him to be transmitted to the "Clerk")

Page 13.

Line 14. Leave out (" Two Justices ") and insert (" Justice ")

Page 14.

Line 10. After (" Ratepayer ") insert (" or Owner of Property " situate ")

Page 16.

Line 43. After (" 1862 ") insert Clause B.

Jurisdiction as to Districts in different Counties.

Clause B. Places situate in different Counties and Places situate partly in one County and partly in another County, when united in One Highway District, shall, for all Matters connected with the Provisions of this Act relating to Appeals to Quarter Sessions against Accounts, be deemed to be subject to the Jurisdiction of the Justices of the County in which the District is situate to which such Places shall have been united by any Provisional and Final Order or Orders, or to which after the passing of this Act any such District shall be declared to be subject by the Orders constituting the same, in the same Manner as if all such Places or Parts of Places were situate in such County.

Page 18.

Leave out (" a ") and insert (" every ")

Line 40. After (" widening ") insert (" of ")

Page 19.

Line 29. After (" Building ") insert (" or "), and after (" Pit ") insert (" or ")

Line 30. Leave out (" on any Common or Waste Land ") and insert (" or by placing any Dung, Compost, or other Materials for dressing Land, or any Rubbish ")

Line 32. After (" thereof ") insert (" or by removing any Soil " or Turf from the Side or Sides of any Carriageway or Cartway, " except for the Purpose of improving the Road, and by Order of " the Highway Board, or where there is no Highway Board of the " Surveyor ")

Line 35. Leave out (" Highway ") and insert (" Carriageway " or Cartway ")

Line 39. After (" Ditch ") insert (" or Pit, and removing such " Dung, Compost, Materials, or Rubbish "), and after (" aforesaid ") insert (" or restoring the Injury caused by the Removal of such " Soil or Turf ")

Line 40. Leave out (" making the Encroachment ") and insert (" offending: Provided always, that where any Carriageway or " Cartway is fenced on both Sides no Encroachment as aforesaid " shall be allowed, whereby such Carriageway or Cartway shall be

" reduced in Width to less than Thirty Feet between the Fences
" on each Side ")

In the Marginal Notes:

Page 22.

Line 2. Leave out (" 36 ") and insert (" 49 ")
Line 9. Fill up the Blank with (" 33 ")
Line 17. Fill up the Blank with (" 3 ")

LORDS AMENDMENTS

TO THE

HIGHWAYS ACT AMENDMENT BILL.

Ordered, by The House of Commons, *to be Printed,*
26 *July* 1864.

[Bill 234.]

Under 1 *oz.*

Improvement of Land Act, 1864, Bill.

ARRANGEMENT OF CLAUSES.

12 & 13 Vict. c. 100. repealed; Sect. 1.

Commissioners, Landowners, &c.

Interpretation of "the Commissioners"; 2.
Incorporation of Enactments relating to the Commissioners; 3.
Assistant Commissioners may take Declarations and examine Witnesses; 4.
Punishment of Persons giving false Evidence; 5.
Service of Notices on Commissioners, and on other Persons; 6, 7.
Interpretation of "Landowner"; 8.
Interpretation of "Improvement of Land"; 9.
Interpretation of "Person"; 10.

Proceedings preliminary to Sanction of Improvements.

Application to Commissioners to sanction Improvements; 11.
Joint Application by several Landowners; 12.
Commissioners may issue Forms, require Security for Expenses, cause Application to be investigated, and require proposed Improvements to be modified; 13–16.
Advertisements and Notices preliminary to Sanction; 17.
Power of Dissent by Persons interested, and Protection of Landowner's Infant Children; 18.
The same in case of navigable Rivers and Canals; 19.
Consents necessary in case of Church Lands; 20.
In case of Dissent, or when Landowner's Infant Children are to be protected, Court of Chancery or Session may authorize Commissioners to proceed; 21.
Service of Notice under preceding Clause; 22.
Costs may be given by the Court; 23.
Representation of Persons under Disability for Applications and Dissents under preceding Clauses; 24.

Sanction of Improvements, and Rights thereunder.

Commissioners Order sanctioning Improvements; 25.
Forms of Orders sanctioning Improvements to be prepared by Commissioners; what they must contain; 26.

They may be called Provisional Orders, and may be assigned to Parties agreeing to execute Improvements; 27.

Provision for Death of Landowner pending Completion of Improvements; 28.

Provisional Orders may be modified; 29.

Execution of Improvements.

Detailed Specifications to be delivered in advance, and approved before Execution of Works; 30, 31.

Adjoining Lands, or Easements over them, may be sold for Purpose of Improvements, and Conveniences over adjoining Lands for the Execution of Improvements contracted for; 32.

Works necessary to be made on adjoining Lands for Execution of Improvements may be made under certain Acts; 33.

Provisional Order to protect from Impeachment of Waste, and to authorize getting Materials from Land, &c.; 34.

Saving Rights of the Crown; 35.

Saving Rights of the Commissioners of Her Majesty's Works, &c.; 36.

Saving Rights of Duchy of Cornwall; 37.

Rights of Duchy of Lancaster saved; 38.

Rights of Admiralty saved, and of Board of Trade; 39.

Plans to be deposited with Admiralty before commencing Works below High-water Mark; 40.

Landowner to pay Expenses of Survey ordered by Admiralty; 41.

Saving Rights of Her Majesty's Principal Secretary of State for the War Department; 42.

Rights of Commissioners of Sewers saved; 43.

Works connected with Thames to be executed under Direction of Conservators of Thames; 44.

Metropolitan Board of Works, &c. protected; 45.

Water Companies and Commissioners protected; 46.

Rivers, Canals, &c. protected; 47.

Commissioners may inspect Works; 48.

Charges for Improvements.

Commissioners to execute Charge on Completion of Works, or of some Part thereof; 49.

Expenses of Application and certain Contracts may be included in Charge; 50.

The

The Charges to be by way of Rentcharge created by Absolute Order, and may be taken by Companies in the Forms given by their own Acts; 51, 52.

Expenditure under this Act may be charged under Acts of Improvement Companies; 53.

Improvement Companies may exercise Powers of this Act, as also Companies in Ireland; 54.

Absolute Order to be conclusive Evidence of Charge; 55.

Registry of Rentcharges in Ireland, Middlesex, Yorkshire, and Scotland; 56.

Landowner may borrow the Amount of certain Public Assessments, and charge same on Inheritance, in Form specified, together with Costs of Application; 57, 58.

Grantee to have Charge for Principal Money from Time to Time unrepaid, with Priority over other Incumbrances; 59.

Charges to be Personal Property, but Money authorized to be invested on Real Security may be invested therein, or on Mortgages thereof; 60.

Charges not to preclude Trustees from investing in Purchase or on Mortgage of Lands; 61.

Proprietor of Scotch Entailed Estate may avail himself of Act, and Rentcharge to be Charge on such Estate; 62.

Rentcharges to be recoverable as Tithe Rentcharges or Feu Duties; 63.

Interest on Arrears of Rentcharges; 64.

Assignment of Charges; 65.

Tenants for Life to keep down Rentcharges; 66.

Tenant may deduct Rentcharge, unless he has agreed to pay it; 67.

Rentcharges may be apportioned, or Part of the Land charged released therefrom; 68.

Form, Registry, and Effect of Orders of Apportionment and Release; 69.

Charges apportioned, or from which Part of the Lands have been released, to be deemed original Charges; 70.

Several Charges may be dealt with in One Order of Apportionment or Release; 71.

Upholding Improvements.

Improvements to be upheld, and Condition thereof certified if required; 72.

Power to enter on neighbouring Lands for Repair of Works, making Compensation; 73.

Farmhouses, &c. to be insured; Power to insure in case of Default; 74.

Inclosure Commissioners may compel Maintenance of Improvements; 75.

Inclosure Commissioners may give Relief from Maintenance of Improvements; 76.

Admiralty may remove Works abandoned or fallen into Decay; 77.

Subscription to Railways.

Conditions for Application to Commissioners; 78.

Commissioners Proceedings on Application; 79.

Provisional Order sanctioning Charge; 80.

Companies empowered to lend; 81.

Commissioners Absolute Order and its Conditions; 82.

Form and Effect of Absolute Order; 83.

Notice thereof to be entered in Register of Shareholders; 84.

Person liable to pay Charge to be entitled for the Time being to the Shares, and to have them stand in his own Name; 85, 86.

Rights and Duties of Persons registered for the Time being in respect of the Shares; 87.

Entire Shares to belong to Parties in proportion to their Payments, and to be released to them from Time to Time; 88.

Shares not claimed within Two Years from Expiration of Term to belong to Person bound to make last Payment of Charge; 89.

SCHEDULES.

A

BILL

INTITULED

The Improvement of Land Act, 1864.

WHEREAS an Act was passed in the Twelfth and Thirteenth Years of Her present Majesty, intituled " An Act to promote the Advance of private Money for Drainage of " Lands in Great Britain and Ireland," and several Companies have been incorporated by Act of Parliament, with special Powers for promoting the Improvement of Land in Great Britain and Ireland by Drainage and otherwise; and it is desirable to amend and consolidate the Law relating to the Improvement of Land by Owners of limited Interests, and to enable such Owners to charge their Lands with Money subscribed for the Construction of Railways and navigable Canals which will permanently increase the Value of such Lands: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: **Preamble.**

1. The Act first above mentioned, being " The Private Money Drainage Act, 1849," is hereby repealed, except so far as relates to any Proceedings on Applications pending under the said Act at the Date of the passing hereof, it being the Intention hereof that all such Proceedings shall be worked out under the said Act, and that all Charges to be made in consequence of any such Proceedings shall **12 & 13 Vict. c. 100. repealed.**

shall be made and operate under the said Act, which shall apply thereto as if this Act had never been passed: Provided also that nothing herein contained shall affect any Charge made under the said Act before the passing hereof, or any Right or Obligation existing or which may arise in respect of any such Charge.

Commissioners, Landowners, &c.

And with regard to the Commissioners for the Execution of this Act, and other general Matters, be it enacted as follows:

Interpretation of "the Commissioners."

2. By "the Commissioners" shall herein be meant, as regards Lands in Great Britain, the Inclosure Commissioners for England and Wales, and as regards Lands in Ireland, the Commissioners of public Works in Ireland under an Act of the First and Second Years of His late Majesty King William the Fourth, intituled "An Act for "the Extension and Promotion of Public Works in Ireland," and an Act of the Fifth and Sixth Years of the Reign of Her present Majesty, intituled "An Act to promote Drainage of Lands, and "Improvement of Navigation and Water Power in connexion with "Drainage in Ireland," and the several Acts amending the same respectively.

Incorporation of Enactments relating to the Commissioners.

3. All the Provisions of the Act of the Ninth and Tenth Years of the Reign of Her present Majesty, intituled "An Act to authorize "the Advance of Public Money, to a limited Amount, to promote the "Improvement of Land in Great Britain and Ireland by Works of "Drainage," and of any and every other Act for the Time being in force relating to any of the aforesaid Commissioners, so far as the same may concern or be auxiliary to the Proceedings or Inquiries of the Commissioners under the Authority of such Acts or any of them, or the Authentication of Instruments, shall, except as in this Act otherwise provided, extend and be applicable to their Proceedings and Inquiries, and the Authentication of Instruments, under this Act.

Assistant Commissioners may take Declarations and examine Witnesses.

4. Every Assistant Commissioner or Inspector acting in any Matter, Inquiry, or Proceeding, by the Authority and in the Execution of this Act, may receive Declarations and Statements, and examine upon Declaration all such Persons as may voluntarily attend before him in such Matter, Inquiry, or Proceeding.

Punishment of Persons giving false Evidence.

5. If any Person shall wilfully give false Evidence in any Matter, Inquiry, or Proceeding, under the Provisions of this Act, or shall make or subscribe a false Statement or Declaration for the Purposes of this Act, such Person shall, in England or Ireland, be deemed guilty of a Misdemeanour, and in Scotland of a Crime and Offence, and shall be punished accordingly.

Service of Notices on Commissioners;

6. Any Notice requiring to be served upon the Commissioners may be served by the same being left at or transmitted through the Post, directed to their Office in London.

7. In all Cases in which it shall be necessary under the Provisions of this Act to serve any Notice upon any other Person, it shall be sufficient to send such Notice in a registered Post Letter, directed to such Person at his then or last known Place of Residence or of Business, unless the Letter containing such Notice shall be returned from the Post Office as undelivered; and if such Person shall not have any Place of Residence or of Business within Great Britain or Ireland, or if the Place of Business or of Residence of such Person cannot with due Diligence be ascertained, then such Notice may be served upon such other Person as his Representative, or be given in such other Manner, as the Commissioners shall in such Case direct or approve.

and on other Persons.

8. The Word "Landowner" shall mean herein, as to Lands in England, the Person who shall be in the actual Possession or Receipt of the Rents or Profits of any Land, whether of Freehold, Copyhold, Customary or other Tenure, except where such Person shall be a Tenant for Life or Lives holding under a Lease for Life or Lives not renewable, or shall be a Tenant for Years holding under a Lease or an Agreement for a Lease for a Term of Years not renewable, whereof less than Twenty-five Years shall be unexpired at the Time of making any Application to the Commissioners, without regard to the real Amount of the Interest of any Person so excepted; and in the Case where the Person in the actual Possession or Receipt of the Rents or Profits of any Land shall fall within the above Exceptions, then the Person who for the Time being shall be in the actual Receipt of the Rent payable by the Person so excepted, unless he shall also fall within the above Exceptions, shall, jointly with the Person who shall be liable to the Payment thereof, be deemed for the Purposes of this Act to be the Owner of such Lands: and as to Lands in Scotland, the Word "Landowner" shall denote and include every Fiar, Life Renter, or Heir of Entail who shall be in the actual Possession of the Land, or in receipt of the Rents payable on the Tacks, Leases, or Tenancies of the Tenants in the actual Possession thereof: and as to Lands in Ireland, the Word "Landowner" shall mean such Person as under the Act passed in the First and Second Years of the Reign of Her present Majesty, intituled "An Act to abolish Compositions for "Tithes in Ireland, and to substitute Rentcharges in lieu thereof," shall have the first Estate of Inheritance, or other Estate or Interest equivalent to a perpetual Estate or Interest therein, and also any Tenant in Dower or by the Curtesy, or any Person having under the Limitations of any Settlement by Deed, Will, Act of Parliament or otherwise, any Estate for Life or other particular Estate thereby created or limited out of or in any Estate of Inheritance, or by, out of, or in any such Estate or Interest as by or under the last-mentioned Act is to be deemed equivalent to a perpetual Estate or Interest; and as to Lands in any Part of the United Kingdom, the Word

Interpretation of "Landowner."

Word "Landowner" shall include a Corporation, and also such Persons as are empowered by the Twenty-third Section hereof.

Interpretation of "Improvement of Land."

9. By "the Improvement of Land" shall herein be meant all or any of the following Matters:

1. The Drainage of Land, and the straitening, widening, deepening, or otherwise improving the Drains, Streams, and Watercourses of any Land:
2. The Irrigation and warping of Land:
3. The embanking and weiring of Land from the Sea or Tidal Waters, or from Lakes, Rivers, or Streams, in a permanent Manner:
4. The inclosing of Lands, and the straitening of Fences and Redivision of Fields:
5. The Reclamation of Land, including all Operations necessary thereto:
6. The making of permanent Farm Roads and permanent Tramways and Railways and navigable Canals for all Purposes connected with the Improvement of the Estate:
7. The clearing of Land:
8. The Erection of Labourers Cottages, Farmhouses, and other Buildings required for Farm Purposes; and the Improvement of and Addition to Labourers Cottages, Farmhouses, and other Buildings for Farm Purposes already erected, so as such Improvements or Additions be of a permanent Nature:
9. Planting for Shelter:
10. The constructing or erecting of any Engine-houses, Waterwheels, Saw and other Mills, Kilns, Shafts, Wells, Ponds, Tanks, Reservoirs, Dams, Leads, Pipes, Conduits, Watercourses, Bridges, Weirs, Sluices, Floodgates, or Hatches, which will increase the Value of any Lands for Agricultural Purposes:
11. The erecting of any Engines or Machinery of a permanent Nature, so as the same be erected in connexion with and in the effecting of any Works of or Improvements in Drainage or Irrigation hereby authorized:
12. The Construction or Improvement of Jetties or Landing Places on the Sea Coast, or on the Banks of navigable Rivers or Lakes, for the Transport of Cattle, Sheep, and other Agricultural Stock and Produce, and of Lime, Manure, and other Articles and Things for Agricultural Purposes; provided that the Commissioners shall be satisfied that such Works will add to the permanent Value of the Lands to be charged to an Extent equal to the Expense thereof:

13. The Execution of all such Works as in the Judgment of the Commissioners may be necessary for carrying into effect any Matter herein-before mentioned, or for deriving the full Benefit thereof.

Interpretation of "Person."

10. The Word "Person" shall in this Act include Companies and all other Corporations.

Proceedings preliminary to Sanction of Improvements.

And with regard to the Proceedings preliminary to the Sanction of any Improvements, be it enacted as follows:

Application to Commissioners to sanction Improvements.

11. When any Landowner shall be desirous of borrowing or advancing Money under this Act for the Improvement of his Land, he shall make an Application to the Commissioners to sanction the proposed Improvements, in such Manner and Form and stating such Particulars as the Commissioners shall from Time to Time direct; and until the proposed Improvements shall have been sanctioned by the Commissioners in manner herein-after mentioned, the Application may be withdrawn or altered, or consolidated with any other Application, at the Pleasure of the Applicant, but without Prejudice to his Liability as herein-after mentioned for the Expenses incurred by the Commissioners or their Officers in consequence of his Application.

Joint Application by several Landowners.

12. Any Two or more Landowners may, with the Consent of the Commissioners, join in an Application to them to sanction the Improvement of the Lands of such Landowners respectively, but the Sum to be charged in pursuance of any such joint Application shall be apportioned so that a separate and distinct Sum may become charged on the Land of each Landowner.

Commissioners may issue Forms,

13. The Commissioners may from Time to Time frame and circulate, as they shall see Occasion, Forms indicating the Particulars of the Information to be furnished to them by Landowners for the Purposes of this Act, and such other Forms as the Commissioners may deem expedient for facilitating any Proceedings under this Act.

require Security for Expenses,

14. The Commissioners may require Security to be given to them by the Landowner, by Bond, Deposit, or otherwise, in such Form as they may think fit, for the Payment to them of the Expenses which they or their Officers shall incur in respect of the Investigation on any Application, and, if they shall issue such provisional or other sanctioning Order as herein-after mentioned, of the Expenses which they or their Officers shall incur in inspecting and ascertaining the due Execution of the Works; but unless the Commissioners shall issue such absolute Order as herein-after mentioned, such Payment shall not be a Charge on the Land to which such Application relates, but shall be a Debt due by the Person making such Application to the Commissioners, and shall be recoverable by them, as in the Nature of a Crown Debt.

cause Application to be investigated.

15. If the Commissioners shall think fit to entertain the Application so made to them, they may cause the Land to be inspected and examined by an Assistant Commissioner, or an Engineer or Surveyor, who shall have regard to and examine the Proposals and Statements contained in such Application, and shall report his Opinion thereon, and who shall also report whether in his Judgment the proposed Improvements will effect a permanent Increase of the yearly Value of the Land exceeding the yearly Amount proposed to be charged thereon in respect of the Improvements applied for; and the Commissioners may by themselves, or any Assistant Commissioner, Engineer, or Surveyor, make such other Inquiries in relation to any such Application as they shall think fit: Provided that the above Requisition as to increased annual Value shall not apply to any Outlay proposed to be made upon or in respect of planting only.

and require proposed Improvements to be modified.

16. The Commissioners shall have Power to require such Alterations as they shall think expedient to be made in the Improvements proposed, or in the proposed Mode of executing them.

Advertisements and Notices preliminary to Sanction.

17. Before the Commissioners shall sanction any Improvements, Notice shall be given of the Application as well by Advertisement, inserted in Two successive Weeks in some Newspaper published in the County in which the Land to be improved lies, or in some County adjoining thereto, as by a Notice in Writing given, where such Lands are situate in England or Ireland, to every Person entitled to any Estate in such Land, or any Part thereof in reversion or remainder, up to and inclusive of the Person entitled to the First vested Estate of Inheritance therein, and to every Person entitled to any Mortgage upon such Land or any Part thereof who by reasonable Inquiry shall be known to be so interested, and given, where such Lands are situate in Scotland, to the nearest Heir or Heirs of Entail, not exceeding Three, and to the Holders of every Heritable Security on such Lands appearing upon the Records; and in such Advertisements and Notices respectively shall be stated the maximum Amount which it is proposed to charge in respect of the Improvements, and the greatest and least Terms over which it is proposed that the Rentcharge should be spread; and the Commissioners shall not sanction the Improvements until One Month shall have elapsed from the Publication of the Second of such Advertisements and the Service of such Notices (if any) respectively, of which Publication, and of the Service of all necessary Notices as aforesaid, the Landowner shall, if required by the Commissioners, satisfy them by One or more Statutory Declarations made by him or on his Behalf.

Power of Dissent by Persons interested, and Protection of Landowner's Infant Children.

18. In case any Person having any Estate in or Charge or Security on the Land to be improved shall within the Month named in the last preceding Section signify in Writing to the Commissioners his Dissent from such Application, stating therein the Nature of his Estate in or Charge or Security on such Land, the Commissioners shall certify such Dissent to the Landowner by whom the Application was made, and shall not make any provisional or other Order sanctioning the Improvements unless or until such Dissent be withdrawn, or an Order be made by the High Court of Chancery in England or Ireland respectively, or by the Court of Session in Scotland, in manner herein-after provided, authorizing the Commissioners to sanction the same; nor shall they make any provisional or other Order sanctioning the Improvement of any Land in the Case of which the Landowner, or the Husband of the Landowner, shall be the Father of the Person or Persons entitled either at Law or in Equity to any Estate in such Land or any Part thereof in Reversion or Remainder, up to and inclusive of the Person entitled to the first vested Estate of Inheritance, and such Person or Persons, or any of them, shall be an Infant or Infants, or a Minor or Minors, unless or until such an Order as herein-before mentioned shall be made by such Court as aforesaid.

The same in case of navigable Rivers and Canals.

19. If the Commissioners shall consider that any proposed Improvement would interfere with any navigable River or Canal respectively vested in or under the Management or Control of any Commissioners, Trustees, Conservators, Undertakers, Company, or other Body or Individuals, or the Banks or other Works or Conveniences thereof, or would occasion the Flow or Discharge into such River or Canal of any Drainage or other Matter, the Landowner shall give Notice of the Application in Writing, together with a Plan and Section of the proposed Improvement, to such Commissioners, Trustees, Conservators, Undertakers, Company or other Body, or Individuals; and in case they shall, within One Month after the Receipt of such Notice, signify in Writing to the Commissioners their Dissent from such Application, and state the Nature of their Interest in or Authority over such River or Canal, the Commissioners shall certify such Dissent to the Landowner by whom the Application was made, and shall not sanction the Improvement unless or until such Dissent be withdrawn, or an Order be made by the High Court of Chancery in England or Ireland respectively, or by the Court of Session in Scotland, in manner herein-after provided, authorizing the Commissioners to sanction the Improvement.

Consents necessary in case of Church Lands.

20. When the Land to which the Application relates, or any Part of such Land, is held in right of any Church, Chapel, or other Ecclesiastical Benefice, the Commissioners shall not sanction any Improvement of such Land, or of so much thereof as is so held, unless and until the Patron of the Benefice, and in England and Ireland the Bishop of the Diocese, and in Scotland the Presbytery of the Bounds, shall signify to the Commissioners, by Writing under their Hands, their respective Consents to such Application.

In case of Dissent, or when Landowner's Infant Children are to be protected, Court of Chancery or Session may authorize Commissioners to proceed.

21. If and when any Dissent from any such Application to the Commissioners for their Sanction of proposed Improvements shall have been notified in Writing to the Commissioners, either by a Party interested in the Lands proposed to be improved (not being Lands held in right of any Church, Chapel, or other Ecclesiastical Benefice), or by the Commissioners, Trustees, Company, or other Body or Individuals interested in any River or Canal, which would or might be interfered with as herein-before mentioned, or if the Landowner, or the Husband of the Landowner, shall be the Father of the Person or Persons entitled either at Law or in Equity to any Estate in the Land to be improved, or any Part thereof in Reversion or Remainder up to and inclusive of the Person entitled to the First vested Estate of Inheritance, and such Person or Persons, or any of them, shall be an Infant or Infants, or a Minor or Minors, the Landowner desiring such Improvements may apply to the High Court of Chancery in England or Ireland where such Lands are situate in England or Ireland respectively, or to the Court of Session where such Lands are situate in Scotland, for an Order of such Court authorizing the Commissioners to entertain and proceed upon the Application for such proposed Improvements notwithstanding such Dissent or Circumstance; and such Application shall be made, as to Lands in England, to the Master of the Rolls or any One of the Vice Chancellors sitting at Chambers, by Summons, calling on the Party dissenting to show Cause why such Order should not be made; as to Lands in Ireland, to the Master of the Rolls, by summary Petition or otherwise, as he shall by any General Order direct; and as to Lands in Scotland, to either Division of the Court of Session in Time of Session, or to the Lord Ordinary sitting on Bills in Time of Vacation, by summary Petition: and the Court or single Judge, as the Case may be, to whom such Application shall be made, shall hear and determine such Application, and for that Purpose shall have Power to make or direct to be made all such Inquiries, and receive and entertain all such Statements and Evidence, on Oath or by Affidavit, as such Court or Judge may consider necessary or desirable, or as may be produced before them or him; and if upon a Consideration of all the Circumstances such Court or Judge shall be of opinion that the Commissioners should entertain and proceed upon such Application, an Order shall be made authorizing and requiring them to proceed thereon, and to deal with the same according to the Provisions of this Act authorizing them in that Behalf, notwithstanding such Dissent or Circumstance as aforesaid: Provided that if at any Time after Notification of such Dissent, and before any such Order shall have been applied for and made as aforesaid, such Dissent shall be withdrawn by a like Notification in Writing, it shall not be necessary to make or proceed with such Application, or to obtain such Order.

Service of Notice under preceding Clause.

22. Where any Party dissenting shall be out of the Jurisdiction of the Court, it shall be lawful for the Court or Judge to order Service to be made in such Manner as such Court or Judge may think fit, and upon Proof to the Satisfaction of such Court or Judge that such Party has had actual Notice within a reasonable Time of such intended Application, it shall be lawful for such Court or Judge thereupon to hear and determine such Application.

And Costs may be given by the Court

23. The Costs of and incidental to every Application under the Twenty-first and Twenty-second Sections, and the Mode in which such Costs shall be settled or taxed, shall be in the Discretion of the Court or Judge who shall hear such Application, and if such Court or Judge shall so direct, the said Costs shall be deemed to be Part of the Expenses of and incidental to the Application for the proposed Improvements.

Representation of Persons under Disability for Applications and Dissents under preceding Clauses.

24. All Husbands, Guardians, Tutors, Committees, Curators, Feoffees, Trustees, Judicial Factors, Executors and Administrators shall respectively have the same Rights and Powers of making Applications and signifying Dissents, and taking other Proceedings under this Act, as their respective Wives, Infants, Minors, Lunatics, Idiots, and furious or fatuous Persons would have had if free from Disability, or as such Feoffees, Trustees, Judicial Factors, Executors or Administrators respectively would have had if the Estates, Charges, or Interests of which they shall be such Feoffees, Trustees, or Judicial Factors, or which shall be vested in them as such Executors or Administrators, had been vested in them in their own Right; but no Guardian, Tutor, Committee, Curator, Feoffee, Trustee, Judicial Factor, Executor or Administrator shall be in anywise compelled or obliged to signify a Dissent from any Application under this Act, or be in anywise responsible for the Consequences of such Application, or of any Charge made in pursuance thereof.

Sanction of Improvements, and Rights thereunder.

And with regard to the Sanction of any Improvements, and the Rights arising thereunder, be it enacted as follows:

Commissioners Order sanctioning Improvements.

25. If the Commissioners shall find that the proposed Improvements or any Part thereof, whether with or without any Alterations by them required or sanctioned, would effect a permanent Increase of the yearly Value of the Lands proposed to be improved, or of any Part thereof, exceeding the yearly Amount proposed to be charged thereon, they shall sanction such Improvements, or such Part thereof as they shall think expedient, if under the preceding Sections it shall be lawful for them so to do, by an Order under their Hands and Seal; and they shall by the same Order fix the Rate of Interest to be allowed on the Cost of the sanctioned Improvements, having regard to the Market Value of Money at the Time, but such Interest shall never exceed Five per Cent. per Annum.

Forms of Orders sanctioning Improvements to be prepared by Commissioners; what they must contain.

26. The Commissioners shall from Time to Time prepare Forms of Orders for sanctioning Improvements, and shall also, whenever required by the Landowner so to do, frame and entitle their said Orders under this Act in such Manner that they may also be and operate as provisional, sanctioning, or other corresponding Orders under the respective Acts applying to any Company with which he may have contracted relating to the Loan or Improvements in question: Provided that every Order operating under this Act to sanction any Improvements shall name the Landowner to whom it is issued; shall express the greatest Sum to be charged in addition to any Costs, Charges, and Expenses under the Fiftieth Section hereof, and the Rate of Interest and Term of Years for the Repayment thereof, the former not exceeding Five per Centum per Annum, and the latter not exceeding Twenty-five Years; shall specify the Lands on which such Repayment is to be charged; and shall either express or refer to some Contract or other Document expressing the general Scheme of the Improvements to be executed.

They may be called Provisional Orders, and may be assigned to Parties agreeing to execute Improvements.

27. Every Order operating under this Act alone to sanction any Improvement may be in the Form set forth in Schedule (A.) hereto, and shall be called a Provisional Order, and shall, subject to the following Section hereof, create in favour of the Landowner named therein the Title to an absolute Charge on the Completion of the sanctioned Improvements, which Title such Landowner may assign, either absolutely or by way of Security, to any Person; and such Assignment may be made by Endorsement on the Provisional Order.

Provision for Death of Landowner pend-

28. In case of the Death of any Landowner, or the Determination of his Interest, between the Date of the Provisional Order and the Completion of the Improvements sanctioned thereby, the Right to

complete

ing Completion of Improvements.

complete such Improvements, and to assign the Title to an absolute Charge, shall pass to the succeeding Landowner; but if the succeeding Landowner shall not within Three Calendar Months after his Succession proceed with the Works, so as to complete the same in conformity with the Provisional Order, the preceding Landowner, or in case of his Decease his Executors or Administrators, may complete such Improvements, and shall become entitled to have the absolute Charge executed to him or them. If the succeeding Landowner shall complete the Improvements there shall be distinct absolute Charges executed to such Landowner, and the preceding Landowner or his personal Representatives, for the Outlay made by the preceding and succeeding Landowners respectively; and in case of Difference the Commissioners shall determine the Proportions; provided that the succeeding Landowner may, with the Sanction of the Inclosure Commissioners, and after Notice to the Parties to whom Notice was originally given, or such of them as may be living, and such other Persons, if any, as the Commissioners may direct, terminate the Proceedings under the Provisional Order, on Payment of the Outlay and Expenses made thereunder, and indemnifying the Person to whom the Title to the absolute Charge may have been assigned. Notwithstanding the foregoing Provisions if the Title to an absolute Charge shall have been assigned by the preceding Landowner, the Assignee may complete the Improvements if he shall proceed therewith within One Calendar Month from the Time the preceding Landowner ceased to be such Landowner.

Provisional Orders may be modified.

29. The Commissioners may from Time to Time, on Application to be made by the Landowner, and after such Inquiry as they shall think fit, sanction any Modifications or Alterations either of the Scheme of the Improvements or of any other Matter expressed or referred to in the Provisional Order: Provided that no such Modification or Alteration shall increase the Sum to be charged in respect of the Improvements, or extend or curtail the Term of Repayment, beyond the greatest Amount which it was proposed so to charge, or the greatest or least Term over which it was proposed that the Rentcharge should be spread, as respectively stated in the Advertisement and Notices herein-before required: Provided also that every such Modification or Alteration shall require the Consent of every Party who, by having contracted for the Execution of the Improvements, or by having taken an Assignment of the Title to an absolute Charge, or otherwise, may be interested therein; and the Modifying Order shall be in such Form as the Commissioners shall from Time to Time appoint, and shall be construed together with the original Order as One Order with respect to all Rights arising thereunder after the Date of the Modifying Order.

And

Execution of Improvements.

And with regard to the Execution of any Improvements, be it enacted as follows:

Detailed Specifications to be delivered in advance,

30. Before the Commencement of any Improvements sanctioned in manner aforesaid the Landowner shall deliver to the Commissioners a detailed Specification thereof, and in the case of Buildings, and also in any other Case where the same shall be required by the Commissioners, a detailed Plan or Drawing: Provided that when it is not intended to complete the Improvements within One Year from the Date of the provisional or other sanctioning Order, the Specification and Plan or Drawing first delivered may comprise so much only as it is intended to complete within One Year from the said Date, so, however, that for the Works of each successive Year such Specification and Plan or Drawing as aforesaid be always delivered in advance.

and approved before Execution of Works.

31. The Specifications and Plans or Drawings aforesaid shall be examined, and, if necessary, the Spot visited by an Assistant Commissioner, or an Engineer or Surveyor, who shall report whether, in his Judgment, the Improvements as proposed to be effected will be effected in a substantial and durable Manner, and, in the Case of Farm Buildings, whether the same, or the Improvements thereof or Additions thereto, will be suitable to the Locality; and no Improvement shall be commenced or proceeded with until the Specifications and Plans or Drawings aforesaid shall have been approved by the Commissioners; but nothing herein contained shall render necessary the Redelivery, Reexamination, or Reapproval of any detailed Specifications, Plans, or Drawings which may have been delivered in connexion with the Application for the Commissioners' Sanction to the general Scheme of the Improvements, and may have been approved in connexion with that Sanction.

Adjoining Lands, or Easements over them, may be sold for Purpose of Improvements, and Conveniences over adjoining Lands for the Execution of Improvements contracted for.

32. All Persons interested in any Lands adjoining or near to the Land improved or proposed to be improved, and being, as to Lands in England or Ireland by the Provisions of "The Lands Clauses Consolidation Act, 1845," and as to Lands in Scotland by the Provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," enabled to sell and dispose of such Lands so adjoining or near, or any Estate or Interest therein, may, for the Purpose of any Improvements authorized by this Act, sell and convey or grant to the Landowner whose Land has been or is proposed to be improved such Lands so adjoining or near, or any Part thereof, or any Easement, Authority, or Right in, through, over, or affecting the same, and any such Land, Easement, Authority, or Right so sold and conveyed or granted shall thereupon become appurtenant to or pertinent of the Lands improved or proposed so to be, and with reference to the Improvements whereof the same was purchased, and shall be held upon and subject to the same Uses, Trusts, Charges, and Incidents; and all such Persons as aforesaid may also make any Agreement with the Landowner, or with any Person or Company that shall have contracted for the actual Execution of the Improvements, or their respective Agents, with reference to entering on, cutting through or into, or prejudicially affecting such Lands so adjoining or near; and every such Sale, Conveyance, Grant, and Agreement shall be valid and effectual accordingly, and the Price or Consideration shall be settled by Two Surveyors or a Surveyor to be appointed by them, in manner provided by the Ninth Section of "The Lands Clauses Consolidation Act, 1845," or, as the Case may be, by the Ninth Section of "The Lands Clauses Consolidation (Scotland) Act, 1845," and shall be deposited as directed by the same respective Sections, and thenceforth become subject to the Provisions of the same respective Acts.

Works necessary to be made on adjoining Lands for Execution of Improvements may be made under certain Acts.

33. Whenever the Commissioners shall think that it may be expedient, in order to obtain or improve an Outfall for draining or warping any Lands under this Act, or otherwise with a view to the Improvement of any Lands under this Act, to enter and execute any Works upon any Land adjoining or near to the Land proposed to be improved, where, by reason of the Objection or Disability of any Owner, Lessee, or Occupier of such Land, such Works could not be otherwise executed, Proceedings may be taken, if the said Lands shall lie in England, either under the Provisions of the Act of the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter Thirty-eight, intituled "An Act to facilitate the Drainage of Lands in England and Wales," or under those of the Third Part of the Land Drainage Act, 1861, and if in Scotland, under the Provisions of the Act of the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, intituled "An Act to "facilitate the Drainage of Lands in Scotland," but as though in such Act the Inclosure Commissioners for England and Wales had everywhere been named in place of the Sheriff; and if such Proceedings shall have been taken before the Sanction of the Improvements in question by the Commissioners under this Act, the Commissioners may, by their Order sanctioning such Improvements, declare the Works in respect of which they shall have been taken to be expedient, and such Works shall then be deemed to have been authorized by the Commissioners or by the Sheriff, as the Case may be, and the Provisions of the said respective Acts shall apply to them accordingly.

Provisional Order to protect from Impeachment of

34. Every Provisional or Modifying Order shall be a full Authority to the Landowner or successive Landowners and their Representatives, in the respective Cases herein-before defined, and to all Persons employed by or under Contract with him or them respectively, to enter

Waste, and to authorize getting Materials from Land, &c.

enter upon the Lands to be improved, and any adjoining or neighbouring Lands acquired or authorized to be entered under either of the Two last preceding Sections, and to execute in and on the same, without Impeachment of Waste by any Remainderman or Reversioner, all the Improvements sanctioned by the same Order according to the Specifications and Plans or Drawings approved by the Commissioners, and to do, execute, and use all such Acts, Works, and Conveniences as may be proper for making, maintaining, and using such Improvements: and for the Purpose of effecting any Improvement under this or the recited Acts, it shall be lawful to get and work Freestone, Limestone, Clay, Sand, and any other Mineral or Substance, out of the Land to be improved or charged, and to make Tramroads and other Ways, and to burn and make Bricks, Tiles, and other Things to be used in effecting such Improvements, and also for the same Purpose to cut down and use any Timber or Trees not planted or serving for Shelter or Ornament.

Saving Rights of the Crown.

35. Nothing in this Act contained shall authorize any Person to purchase, take, use, or interfere with, or the Commissioners to make any Order with respect to any Land, Soil, or Water, or any Right in respect thereof, belonging to Her Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or, if the Property should be under the Management or Control of Her Majesty's Commissioners of Works and Public Buildings, without the Consent in Writing of such last-mentioned Commissioners, which Consent the said respective Commissioners are hereby authorized to give; and nothing in this Act contained shall divert, alter, or affect any of the Rights, Powers, or Estates vested in Her Majesty in right of Her Crown.

Saving Rights of the Commissioners of Her Majesty's Works, &c.

36. Nothing in this Act contained shall authorize any Person to purchase, take, use, or interfere with, or the Commissioners to make any Order with respect to any Land, Soil, or Water, or any Right in respect thereof, the Management or Control of which may be vested in the Commissioners of Her Majesty's Works and Public Buildings on behalf of or in trust for Her Majesty or the Public, without the Consent in Writing of the last-mentioned Commissioners, which they are hereby authorized to give.

Saving Rights of Duchy of Cornwall

37. Nothing in this Act contained shall authorize any Person to take, use, enter upon, or interfere with any Land, Soil, or Water, or any Rights in respect thereof, belonging to the Sovereign for the Time being in right of the Duchy of Cornwall, without the Consent in Writing of some Two or more of the regular Officers of the said Duchy, or of such other Persons as may be duly authorized under the Provisions of "The Duchy of Cornwall Management Act, 1863," Section Thirty-nine, to exercise all or any of the Rights, Powers, Privileges, and Authorities by the said Act made exerciseable or otherwise for the Time being exerciseable in relation to the said Duchy, or belonging to the Duke of Cornwall for the Time being, without the Consent of such Duke, testified in Writing under the Seal of the Duchy of Cornwall, first had and obtained for that Purpose, or to take away, diminish, alter, prejudice, or affect any Property, Rights, Profits, Privileges, Powers, or Authorities vested in or enjoyed by the Duke of Cornwall for the Time being, or in or by the Sovereign for the Time being in right of the Duchy of Cornwall.

Rights of Duchy of Lancaster saved.

38. Nothing in this Act contained shall authorize any Person to purchase, take, use, or interfere with any Lands, Soil, or Water, or any Right in respect thereof, belonging to Her Majesty, Her Heirs or Successors, in right of the Duchy of Lancaster, without the previous Consent in Writing of the Chancellor of the said Duchy of Lancaster, which Consent such Chancellor is hereby authorized to give, or to take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the said Duchy of Lancaster.

Rights of Admiralty saved, and of the Board of Trade.

39. Nothing in this Act contained shall authorize any Person to purchase, take, use, or interfere with any Land, Soil, or Water, or any Right in respect thereof, or to take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Lord High Admiral, or the Commissioners for the Time being for executing the Office of Lord High Admiral (herein-after designated the Admiralty), or vested in or enjoyed by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations (herein-after designated the Board of Trade), without the previous Consent of the Admiralty, signified in Writing under the Hand of the Secretary of the Admiralty (which Consent the Admiralty are hereby authorized to give), or, as the Case may be, without the previous Consent of the Board of Trade, signified in Writing under the Hand of One of the Secretaries of the said Board.

Plans to be deposited with Admiralty before commencing Works below High-water Mark.

40. With respect to any Harbour, Port, Bay, Estuary, or Navigable River, or Part thereof, comprised in any Notice from Time to Time given by the Admiralty under Section Nine of "The Harbours Transfer Act, 1862," previously to commencing any Work below High-water Mark there shall be deposited at the Admiralty Office Plans, Specifications, and Working Drawings thereof for the Approval of the Admiralty, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and with respect to all other Parts where the Tide flows, previously to commencing any

Work below High-water Mark there shall be deposited at the Office of the Board of Trade Plans, Specifications, and Working Drawings thereof for the Approval of the Board of Trade, such Approval to be signified in Writing under the Hand of One of the Secretaries of the said Board, and any such Work shall be constructed only in accordance with such respective Approval; and when any such Work shall have been commenced or constructed, it shall not be lawful at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like respective Consent and Approval; and if any such Work shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the Admiralty or the Board of Trade, as the Case may require, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Person or Company that executed the said Work, the Amount of which Cost and Charge shall be a Debt due from such Person or Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Landowner to pay Expenses of Survey ordered by Admiralty.

41. If at any Time or Times it shall be deemed expedient by the Admiralty or the Board of Trade, as the Case may require, to order a local Survey and Examination of any Embankment or Work proposed to be constructed under the Powers of this Act in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Landowner shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Landowner, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Landowner.

Saving Rights of Her Majesty's Principal Secretary of State for the War Department.

42. Nothing in this Act contained shall authorize any Person to purchase, take, use, or interfere with any Land, Soil, or Water, or any Right in respect thereof, or to take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty's Principal Secretary of State for the War Department for the Time being, without the previous Consent of the same Principal Secretary, signified in Writing under his Hand, which Consent the said Principal Secretary for the Time being is hereby authorized to give.

Rights of Commissioners of Sewers saved.

43. Nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities vested in or to be discharged by any Commissioners of Sewers appointed by any Commission under the Great Seal or under the Seal of the Duchy of Lancaster, or in or by any other lawful Commission of Sewers, or the Commissioners appointed under any Local or Private Acts of Parliament for Sewers or Drainage; nor shall any Work be done which in any way interferes with any Sewers, Drains, or Watercourses under the Control of any Commissioners of Sewers; and no new Sewers, Drains, Watercourses, or Works of Drainage shall be made or done under the Powers of this Act within the District and Jurisdiction of any such Commissioners, unless the same be previously approved by those Commissioners; and all such Works shall be carried on and completed under the Direction and Control of the same Commissioners and their Officers; and all Sewers, Drains, Watercourses, and Works of Drainage made under this Act within the District and Jurisdiction of any Commissioners of Sewers shall be and remain subject in all respects to the Jurisdiction of those Commissioners; and whenever any Works under this Act would intersect or interfere with any Sewer, Drain, or Watercourse under the Control of any such Commissioners, the Person or Company executing the same shall, before any such Works be made, construct such proper Sewers or Works of Drainage, and also comply with such Orders and Regulations, as those Commissioners shall require or make to guard against Injury to the Drainage of the District.

Works connected with Thames to be executed under Direction of Conservators of Thames.

44. All Works executed under the Authority of this Act in or connected with the River Thames, or the Towing-path thereof, within the Jurisdiction of the Conservators of the River Thames, shall, in addition to the Approval of such Works by the Admiralty, so far as herein-before made necessary, be executed according to a Plan to be approved of by such Conservators, and to be deposited at their Office; and such Works shall be executed and performed to the Satisfaction of the Engineer for the Time being of such Conservators; and nothing herein contained shall extend to prejudice or derogate from the Estates, Rights, Interests, Liberties, Privileges, or Franchises of the Conservators of the River Thames, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of the passing of this Act the said Conservators did or might lawfully claim, use, or exercise.

Metropolitan Board of Works, &c. protected.

45. Where any of the intended Works to be done under or by virtue of this Act shall or may pass over, under, or by the Side of, or so as prejudicially to interfere with any Sewer, Drain, Watercourse, Defence, or Work under the Jurisdiction or Control of the Metropolitan Board of Works, or of any Vestry or District Board constituted under the "Metropolis Local Management Act, 1855," or any Sewers or Works to be made or executed by any such Board or Vestry, or shall or may in any way prejudicially affect the Sewerage or Drainage of the Districts under the Control of any such Board or

Vestry, the Person or Company executing such Works shall not commence the same until he or they shall have given to the said Metropolitan or District Board or Vestry, as the Case may be, Fourteen Days' previous Notice in Writing of his or their Intention to commence them, by leaving such Notice at the principal Office of such Board or Vestry, as the Case may be, for the Time being, with a Plan and Section showing the Course and Inclination of the intended Works, and other necessary Particulars relating thereto, and until such Board or Vestry respectively shall have signified their Approval of the same, unless such Board or Vestry, as the Case may be, do not signify their Approval, Disapproval, or other Directions within Fourteen Days after Service of the said Plan, Sections, and Particulars as aforesaid; and such Person or Company shall comply with and conform to all Directions and Regulations of the respective Board or Vestry in the Execution of the said Works, and shall provide any new, altered, or substituted Works in such Manner as such Board or Vestry may deem necessary for the proper Protection of the Sewers and Works hereinbefore referred to, and for preventing Injury or Impediment thereto by or by reason of the said intended Works or any Part thereof, and shall save harmless the said Metropolitan or District Board or Vestry respectively against all and every Expense to be occasioned thereby; and all such Works as may be so required shall be done by or under the Direction, Superintendence, and Control of the Engineer or other Officer or Officers of the said Metropolitan or District Board or Vestry, as the Case may be, at the Costs, Charges, and Expenses in all respects of the Landowner: and when any new, altered, or substituted Works as aforesaid, or any Works of Defence connected therewith, shall be completed under the Provisions of this Act, the same shall thereafter be as fully and completely under the Direction, Jurisdiction, and Control of the said Boards and Vestry respectively as any Sewers or Works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested or to be vested in the said Boards and Vestries, or any of them, or their Successors, but all such Rights, Powers, and Authorities shall be as valid and effectual as if this Act had not been passed.

Water Companies and Commissioners protected.

46. Nothing in this Act contained shall authorize any Person to take, otherwise than by Agreement, any Land of any Waterworks Company or Waterworks Commissioners, or to alter or interfere with any Works or Property of any such Company or Commissioners, without their previous Consent in Writing, or to authorize any Person to foul or otherwise injuriously interfere with or affect any Stream or Supply of Water which any Waterworks Company or Waterworks Commissioners are authorized to use for the Purposes of their Undertaking.

Rivers, Canals, &c. protected.

47. All Works executed under the Authority of this Act in or connected with any River, Canal, or Inland Navigation, or the Banks or Towing-paths or Works thereof, vested in or under the Jurisdiction or Management of any Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals, or in respect of the Navigation whereon or the Use whereof any such Corporation, Conservators, Trusteer, Commissioners, Undertakers, or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues, shall be executed according to a Plan to be approved by such Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals, and to be deposited at their Office, and such Works shall be executed, maintained, and performed to the reasonable Satisfaction of the Engineer for the Time being of such Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals; and nothing in this Act contained shall prejudice or derogate from the Estates, Powers, Rights, Interests, Liberties, Privileges, or Franchises of such Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals, or prohibit, defeat, alter, or diminish any Right, Power, Authority, or Jurisdiction which, at the Time of the passing of this Act, such Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals did or might lawfully claim, use, or exercise.

Commissioners may inspect Works.

48. The Commissioners shall, if and as they see Occasion, cause any Improvements in progress under this Act to be inspected by a Commissioner or Assistant Commissioner, or an Engineer or Surveyor, to ascertain the due Execution thereof.

Charges for Improvements.

And with regard to Charges for Improvements under this Act, be it enacted as follows:

Commissioners to execute Charge on Completion of Works, or of some Part thereof.

49. When the Commissioners are satisfied that the Improvements sanctioned by them, or some Part thereof, have been properly executed, either according to the Specifications and Plans or Drawings approved of by them, or with such Deviations therefrom as in their Judgment will not diminish the permanent Benefit accruing from such Improvements to the Lands wherein they have been made, they shall execute a Charge under their Hands and Seal upon the Inheritance or Fee of the Lands comprised in the provisional or other sanctioning Order, or some sufficient Part thereof, for the Sum by the same Order expressed to be chargeable in respect of such Improvements, if all the said Improvements have been completed, or for a proportional Part of such Sum if a Part only of the said Improvements has been executed, together, in either Case, with the Interest by the same Order expressed, and with the Amount (if any) which shall have been paid in respect of the Purchase of adjoining Lands, or of any Easement, Authority, or Right in, through, over, or affecting adjoining Lands, with Interest thereon at the like Rate.

Expenses of Application and certain Contracts may be included in Charge.

50. If the Landowner is desirous that the Inheritance or Fee of the Lands improved should be charged with the Expenses of and incident to his Application to the Commissioners, or his Contract with any Company or Person relating to the Execution of the Improvements, or to the Advance of Money for their Execution, the Commissioners may ascertain the Amount of the Costs, Charges, and Expenses properly incurred preparatory or in relation to and consequent on such Contract, and the Application to the Commissioners or either of them, and may include in the Principal Money charged on the Inheritance or Fee of such Lands the Amount of such Costs, Charges, and Expenses, and of the settled or taxed Costs, if any, which a Court or Judge shall have ordered as aforesaid to be deemed and taken to be Part of the Expenses of and incident to the Application for Improvements, or such Part thereof as the Commissioners think fit; and the Commissioners may also include in such Principal Money Interest at a Rate not exceeding Five Pounds per Centum per Annum on all Payments forming Part of the same Principal Money, from the respective Dates of such Payments to that of the Absolute Order, but so that no Interest shall be allowed on any such Payment for more than Six Years; provided that the total Amount of the Principal Money to be charged on the Lands improved under the Provisions of this Act shall not in any Case exceed that to which, in the Opinion of the Commissioners, the Inheritance or Fee of the Lands improved will be durably benefited by the Improvements.

The Charges to be by way of Rentcharge created by Absolute Order.

51. Every Charge under this Act shall be created by way of Rentcharge, payable half-yearly, extending over the Term of Years fixed by the provisional or other sanctioning Order, and the first Payment thereof to be made Six Months after the Time when the Works in respect of which the same was granted were executed to the Satisfaction of the Commissioners; and the Payment for each Half Year shall be, and be expressed to be, as to Part thereof a Repayment of a certain Amount of Principal Money, and as to the Remainder thereof a Payment of Interest; and the Charge shall be duly stamped for denoting Payment of the proper ad valorem Stamp Duty which would be payable on a Mortgage for securing the like Amount as the Principal Money thereby charged, and shall be called an Absolute Order; and a Copy of every such Absolute Order shall be authenticated by the Seal of the Commissioners, and shall be kept by them;

and such Copy, and any Copy thereof authenticated by their Seal, shall be Evidence of the Contents and Purport of the same Absolute Order.

and may be made according to Form in Schedule B.

52. Charges under this Act shall be made according to the Form in the Schedule (B.) hereto annexed, or as near thereto as the Circumstances of the Case will admit.

Expenditure made under this Act may be charged under Acts of Improvement Companies.

53. Whenever, by Assignment, under the Twenty-sixth Section hereof or otherwise, a Company having Power to execute or advance Money for the Improvement of Land shall become entitled to the Creation of any Charge under either the Forty-ninth or the Seventy-eighth Section hereof, the Commissioners shall, if required, but subject to the Provisions herein-before contained, create such Charge in the Form of, and so that it may also operate as, an absolute or other corresponding Order under the Act or Acts applying to such Company.

Improvement Companies may exercise the Powers of this Act, on conforming to its Procedure. As also Companies authorized to execute Improvements in the United Kingdom.

54. Any Company authorized by Act of Parliament to execute or advance Money for the Improvement of Land, by giving Notice to the Commissioners of their Intention to avail themselves of any of the Powers given by this Act, shall be held to have adopted the same, and thenceforth all the Procedure of such Company shall be carried on under and in accordance with this Act only; and any such Company which shall adopt this Act as herein-before provided may, with the Sanction of Three Fourths of the Shareholders present at an Extraordinary Meeting of the Company specially convened for the Purpose, execute or advance Money for the Execution of any Improvement authorized by this Act, in any Part of the United Kingdom, although not so authorized by any Act or Acts relating to the Company.

Absolute Order to be conclusive Evidence of Charge.

55. The Execution of the Absolute Order by the Commissioners shall be conclusive Evidence in all Courts, and for all Purposes, of the Validity of the Charge thereby expressed to be made, and no Inquiry shall be permitted either into the Title or Estate of the Landowner, or into the due Performance of anything required to be done by this Act, or as to any other Matter on which the Validity of such Charge might but for this Enactment have depended.

Registry of Rentcharges in Ireland, Middlesex, Yorkshire, and Scotland.

56. A Memorial of every Absolute Order of the Commissioners whereby a Rentcharge is created on Land in England and Wales, in pursuance of this Act, shall be registered at the Office of the Land Registry in England, and a Memorial of every Absolute Order of the Commissioners whereby a Rentcharge is created on Land in

Ireland, in pursuance of this Act, shall be entered in the proper Office for the Registration of Deeds and Wills, and such Memorials respectively shall express and contain the Date of the Order, the Name and Address of the Landowner, the Particulars of the Lands charged, the Amount of the Rentcharge, and the Period during which the same shall be made payable; and the Production of the Absolute Order, sealed with the Seal of the Commissioners, shall be a sufficient Authority to the Registrar for the Entry of such Memorial at the proper Registry Office; and all Grants of Rentcharges on Lands in Scotland shall be registered in the General or Particular Register of Sasines: Provided that every Rentcharge to which the present Clause applies shall have Priority as herein-after declared, any Law or Usage to the contrary notwithstanding.

Landowner may borrow the Amount of certain Public Assessments, and charge same on Inheritance,

57. Whenever by or under the Provisions of any Act of Parliament, Royal Charter, or Commission under the Great Seal or the Seal of the Duchy of Lancaster, any public or general Works of Drainage or other Improvements shall be required or authorized to be executed, and the Cost thereof shall be directed or authorized to be assessed or charged upon the Inheritance of the Lands improved, then any Landowner who shall, under such Act, Charter, or Commission, have been assessed, and shall have become liable to pay any Sum of Money so chargeable for or towards such Works and Improvements, or any of them, in respect of his Land, may apply to the Commissioners to sanction the Money so assessed being charged upon the Land in respect of which such Landowner shall have been so assessed; and if the Commissioners shall be satisfied that the Works or Improvements have been executed in accordance with the Requirement or Authority in such Act, Charter, or Commission contained, they may, after the Money shall have been duly paid by such Landowner, by an Absolute Order within the Meaning of the Fifty-first Section hereof, charge upon the Inheritance or Fee of the Land in respect of which such Landowner shall have been so assessed the Amount so assessed and paid, or such Part of it as the Commissioners may be willing to sanction, to be repaid with Interest.

in Form specified, together with Costs of Application.

58. Such Absolute Order and Charge may be made in any Form and for any Term permitted by this Act, and all the Provisions hereof shall apply thereto in the same Manner and with the same Effect and Operation in all respects as if such Order and Charge had been made in respect of Improvements upon the said Land executed under the Powers of this Act; and if the Landowner is desirous that the Inheritance or Fee of the said Land should be charged with the Costs, Charges, and Expenses of and incident to the said Application and Order, or any Contract connected therewith, the Provisions of the

Fiftieth Section hereof shall extend and apply to the present Case, in the same Manner as to the Costs, Charges, and Expenses of the Application and Contracts in the said Fiftieth Section mentioned.

Grantee to have Charge for Principal Money from Time to Time unrepaid, with Priority over other Incumbrances.

59. From the Date of the Absolute Order, the Grantee thereof, and his Executors, Administrators, Successors, and Assigns, shall have a Charge on the Lands therein comprised for the Principal Money from Time to Time remaining undischarged, by Payment of the Rentcharge, with Interest, at the Rates in the several Cases hereinbefore respectively expressed, and such Charge shall have Priority over every other then existing and future Charge and Incumbrance affecting such Lands or Estates and Interests respectively, whether created under the Powers of any Act of Parliament or otherwise, except Quit Rent, Crown Rents, Chief Rents, Feu Duties, Ground Annuals, and other Charges incident to Tenure, Tithe Commutation Rentcharges and Teinds, Charges created or to be created under any Act authorizing advances of public Money for the Improvement of Land, and any Charges created under this Act or Charges of prior Date created under any other existing Act of Parliament authorizing the charging of Lands with the Expense of and incident to their Improvement: Provided that in case a Part only of the Land charged is subject to a Mortgage or other Incumbrance, the Charge created under the Authority of this Act shall have Priority over the Mortgage or other Incumbrance only to the Extent of a due Proportion of such Charge, when and so soon as the same shall be ascertained under and pursuant to the Sixty-sixth Section of this Act.

Charges to be Personal Property, but Money authorized to be invested on Real Security may be invested therein, or on Mortgages thereof.

60. Every Charge under this Act shall, as regards the Holder thereof, be deemed to be Personal Property, except that any Holder of such a Charge, who shall desire to extinguish the same by reuniting it to the Land charged, shall have Power for that Purpose to direct by any Deed that it shall be reunited to and merge in the beneficial Interest in the said Land, as if it were of the same Nature and Tenure therewith; but all Trustees, Directors, and other Persons who may be directed or authorized to invest any Money on Real Security shall (unless the contrary be provided by the Instrument directing or authorizing such Investment) have Power, at their Discretion, to invest Money in such Charges, or on Mortgages thereof.

Charges not to preclude Trustees from investing in Purchase or on Mortgage of Lands.

61. No Charge on Land made by any Absolute Order by virtue of this Act shall be deemed such an Incumbrance as shall preclude a Trustee of Money, with Power to invest the same in the Purchase of Land or on Mortgage, from investing it in a Purchase or upon a Mortgage of the Land so charged, unless the Terms of his Trust or

Power expressly provide that the Land to be so purchased or taken in Mortgage be not subject to any prior Charge.

Proprietor of Scotch Entailed Estate may avail himself of Act, and Rentcharge to be Charge on such Estate.

62. No Proprietor of an Entailed Estate in Scotland shall be held to have contravened the Conditions of the Entail by reason of his having availed himself of the Provisions of this Act, and no Rentcharge imposed or created on any Entailed Lands in Scotland under the Authority of this Act shall be made use of as a Ground for adjudging, selling, or evicting such Lands, or any Part thereof, contrary to the Provisions and Conditions of the Entail, but every such Rentcharge shall be a good and effectual Charge upon and against such Entailed Lands to every other Effect, and upon and against the Rents and Profits thereof.

Rentcharges to be recoverable as Tithe Rentcharges or Feu Duties.

63. Every Rentcharge on Land by virtue of this Act may be recovered by the Person or Company for the Time being entitled to the same, as to Lands in England or Ireland, by the same Means, and with the like Powers, and in like Manner in all respects as a Rentcharge in lieu of Tithes would be recoverable if charged on the same Land under the Act of the Seventh Year of King William the Fourth for the Commutation of Tithes in England and Wales, or under the Act of the First and Second Years of the Reign of Her present Majesty to abolish Compositions for Tithes in Ireland and to substitute Rentcharges in lieu thereof, and the several Acts passed for amending the same, as the Case may be, and as if such Rentcharge by virtue of this Act were a Rentcharge in lieu of Tithes made payable to such Person or Company under the said Acts respectively, and as to Lands in Scotland by the same Means and in the like Manner in all respects as any Feu Duties or Rent, or annual Rent or other Payment out of the same Lands would be recoverable.

Interest on Arrears of Rent charges.

64. If any Rentcharge payable under this Act shall be in arrear, such Arrear shall not bear Interest for a longer Period than Six Months, but Interest at Five Pounds per Centum per Annum in respect of the same, for any Period not exceeding Six Months, may be recovered in the same Manner as the Sum in arrear: Provided that if, at the Expiration of Six Months from the Time of any Payment falling into arrear, there shall not be upon the Land charged a sufficient Distress to answer and satisfy the said Payment and Interest thereon for the said Period of Six Months, together with the Costs and Charges of such Distress, then the Arrears of such Payment shall continue to bear Interest at the Rate of Five Pounds per Centum per Annum until Payment or Satisfaction thereof, and such Interest may be recovered in the same Manner as the Sum in arrear.

65. The Grantee or other Person for the Time being entitled to any Rentcharge created under this Act may assign the same by Deed duly stamped, and wherein the Consideration is truly stated; and such Assignment may be according to the Form in Schedule (C.) to this Act annexed, or to the like Effect; and all Assignments made in such Form, or as near thereto as the Circumstances of the Case will admit, shall be effectual to vest, both at Law and in Equity, the Charge thereby assigned, and all the Powers, Authorities, Rights, and Remedies of the Assignor with reference to such Charge, in the Assignee, his Successors, Executors, Administrators, and Assigns respectively, and Notice of such Assignment shall be sent to the Commissioners at their Office in London.

Assignment of Charges.

66. Every Landowner on whose Land a Charge shall have been made under this Act, and every succeeding Tenant for Life, Tenant in Tail, and other Person having a limited Interest in the Land so charged, shall, as between himself and the Persons in Remainder or Reversion, be bound to pay the yearly or other periodical Payments of such Charge which shall become payable during the Continuance of his Interest; and in case he be in the actual Occupation or entitled to an apportioned Part of the Rents and Profits of such Land up to the Time of the Termination of his Interest, he shall also be bound to pay an apportioned Part of the yearly Rent or other periodical Payment of such Charge which shall become due next after the Termination of his Interest, proportional to the Time which elapsed between the Day for the previous Payment and the Day of such Termination: Provided that no Person becoming entitled in Possession to any Estate or Interest in the Land shall be liable, as between himself and the Persons entitled to the Rentcharge, to pay any Arrears of the Charge remaining unpaid at the Time of his becoming so entitled in Possession, beyond the Amount of Two Years' Payment of such Charge: Provided also, that the Amount paid by any Person in respect of such Arrears, and any Costs occasioned by Nonpayment thereof, shall be a Debt from the Person who in the first instance ought to have paid the same, or from his Estate, to the Person who paid the same, and shall be recoverable accordingly.

Tenants for Life to keep down Rentcharges.

67. If any Tenant or Occupier at a Rent join in the Application for an Improvement, or by Writing under his Hand signify to the Commissioners, or to an Assistant Commissioner or Engineer, his Consent to become charged with the Charge, or an apportioned Part thereof as hereinafter mentioned, such Tenant or Occupier shall during his Tenancy or Occupation be liable to pay the Charge, or an apportioned Part thereof as hereinafter mentioned; and in case the Charge be made in respect of the Improvement as well of other Land

Tenant may deduct Rentcharge, unless he has agreed to pay it.

Land as of the Land included in such Tenancy or Occupation, the Commissioners may, upon such Consent of the Tenant or Occupier, declare in the Absolute Order what Portion of the whole Charge payable in respect of the Improvement shall be payable by such Tenant or Occupier during his Tenancy or Occupancy in respect of the probable Improvement of the Land included in his Tenancy or Occupation; but, except as aforesaid, every Tenant or Occupier who pays such Charge shall be entitled to deduct the Amount thereof from the Rent payable by him to the Landowner, and shall be allowed the same in Account with him.

Rentcharges may be apportioned, or Part of the Land charged released therefrom.

68. If at any Time Land charged under this Act, or under any other Act authorizing the creation of Charges by the Commissioners, is occupied in separate Farms or other Holdings, or has become the Property of separate Owners, or the Owner thereof is entitled thereto under separate Titles or for distinct and separate Interests, or is desirous to sell or dispose of Part of such Land, or Part only of such Land is subject to any Mortgage or other Incumbrance, or for any other Reason it would be desirable that the Charge should be apportioned or a Part of the Land charged released therefrom, the Commissioners may, with the Consent of the Landowner, or if the Land has become the Property of separate Owners, or a Part thereof is subject to any Mortgage or Incumbrance, then upon the Application of any One of such Owners, or of such Mortgagee or Incumbrancer, but in every Case with due Notice to the Grantee or Assignee of the Charge, or the Husband, Guardian, Tutor, Curator, Committee, or Trustee of such Grantee or Assignee, if a married Woman, Infant, Lunatic, Idiot, or furious or fatuous Person, and to such other Parties (if any) as the Commissioners think right, either release from such Charge any Part of the Land charged therewith, or apportion such Charge so that a separate and distinct Charge may become charged on each separate Farm or Holding, or on the Land of each Landowner, or on the Land held under each separate Title or for each distinct and separate Interest, or on the Part or each Part which the Landowner is desirous to sell or dispose of and the Part intended to be retained by him, or on the Part subject to such Mortgage or other Incumbrance and on the Residue, or on any other separate Parts of the Land, but so that no Charge charged under such Apportionment shall be less than Twenty Shillings for each half-yearly Payment: Provided that no Lands shall, in consequence of any such Apportionment or Release, become charged with any greater Amount than that to which, in the Opinion of the Commissioners, they have been durably benefited by the Improvements in respect of which such Charge was created.

69. Every such Apportionment or Release shall be made by an Order under the Hands and Seal of the Commissioners, and shall be in the Form set out in Schedule (D.) or (E.) to this Act, as the Case may be, or as near thereto as Circumstances will permit, and, as to Lands in England and Wales, or in Ireland, or Scotland, shall be registered in the Manner mentioned in the Fifty-fourth Section hereof, or as near thereto as Circumstances will permit; and a Copy of every such Order shall be authenticated by the Seal of the Commissioners, and shall be kept by them; and such Copy, or any Copy thereof authenticated by their Seal, shall be conclusive Evidence in all Courts and for all Purposes of the Contents and Purport of the same Order, and of the Validity of the Apportionment or Release thereby expressed to be made; and such Order shall take effect from the Date thereof, subject to the Continuance of all Rights and Remedies for the Recovery of Monies which before the Date thereof may have become payable out of any Lands under the Charge so apportioned or released.

Form, Registry, and Effect of Orders of Apportionment and Release.

70. Every Charge apportioned or released as aforesaid shall be recoverable out of the Lands on which the same is charged by the Order of Apportionment, or which shall not by the Order of Release be released therefrom, in the same Manner as if the same had been originally charged on such Lands respectively, and shall, for all the Purposes of this Act, or of the Act under which the original Charge was created, be deemed to be an original Charge on such Lands by Absolute Order.

Charges apportioned, or from which Part of the Lands have been released, to be deemed original Charges.

71. Where any Lands are charged by more than One Absolute Order, any Order of Apportionment or Release under the preceding Sections hereof may comprise all or any Number of the Rentcharges existing by virtue of such Absolute Orders.

Several Charges may be dealt with in One Order of Apportionment or Release.

And with regard to the upholding Improvements under this Act, be it enacted as follows:

Upholding Improvements.

72. So long as any Land shall continue charged with any Charge hereunder, the Person for the Time being bound to make the periodical Payments of such Charge shall uphold the Improvements and Works in respect of which such Charge is made, and shall keep clear and open the Outfalls and Watercourses of all the Drains (if any), and shall, if required either by the Commissioners or by any Person who shall for the Time being be interested in such Charge under any Assignment or Mortgage thereof, once in every Year certify to the Commissioners the State of such Improvements and Works, and of such Outfalls and Watercourses (if any); and if such Person shall not so keep and uphold such Improvements and Works, and such Out-

Improvements to be upheld, and Condition thereof certified if required.

falls and Watercourses (if any), or shall fell, or cause or knowingly permit to be felled, except in proper thinning, any Trees planted under the Authority of this Act as an Improvement, he shall be liable to an Action on the Case, in the Nature of an Action of Waste, for the Damage thereby occasioned, at the Suit of any Person entitled to any Estate in Remainder or Reversion in such Lands.

Power to enter on neighbouring Lands for Repair of Works, making Compensation.

73. Every Person for the Time being bound to make the periodical Payments of any Charge may from Time to Time, by himself, his Engineers, Surveyors, Agents, Servants, and Workmen, enter upon any Lands in, through, or upon which any of the Works have been executed, to ascertain the Condition of the Works, and to maintain and repair the same, nevertheless paying to the Person for the Time being enabled by this Act to sell or grant any Easement in such Lands, in case the Parties differ about the same, such Compensation as shall be determined by Two Justices or the Sheriff, as provided by the "Lands Clauses Consolidation Act, 1845," or the "Lands Clauses Consolidation (Scotland) Act, 1845," for Settlement by Justices and Sheriffs respectively of Questions of disputed Compensation: Provided that as to any Lands adjoining or near the Land improved, to which the Provisions of the Acts of the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapters Thirty-eight and One hundred and thirteen, and those of the Third Part of The Land Drainage Act, 1861, are herein-before respectively made applicable, the Powers of Entry upon such Lands for any of the Purposes aforesaid shall be subject to and be regulated by the Provisions of those Acts respectively.

Farmhouses, &c. to be insured; Power to insure in case of Default.

74. When any Farmhouses, Farm Buildings, or Works susceptible of Damage by Fire shall have been erected, improved, or added to under this Act, then, so long as any Land shall continue charged under this Act in respect thereof, the Person for the Time being bound to make the yearly or other periodical Payments of such Charge shall insure and keep insured against Damage by Fire all such Farmhouses, Farm Buildings, and Works, in an Amount equal to the Principal Amount originally secured by such Charge at the least; and such Person shall once in every Year certify to the Commissioners the Fact of such Insurance, and the Particulars thereof, and that the Premium and Duty for such Insurance for the Year then current have been duly paid; and if such Person shall not insure or keep insured such Farmhouses, Farm Buildings, and Works, or shall not duly certify the Matters aforesaid, it shall be lawful for the Person entitled to the Charge for the Time being, with the Assent of the Commissioners, to insure against Damage by Fire the said Farmhouses, Farm Buildings, and Works in an Amount not exceeding the Principal Amount originally secured by such Charge, and either in the Name of the Person by whom such Default shall have been made, or in the Name of the Landowner mentioned in the Absolute Order, and thereafter to keep the same insured during the Continuance of the said Charge; and the Person for the Time being bound to make the periodical Payments of such Charge shall from Time to Time, on the Day on which the next Payment shall become due on the said Charge, repay to the Person for the Time being entitled to the said Charge any Sums so paid by him for Premium and Duty on such Insurance; and in default of such Payment, the Amount of such Premium and Duty, with Interest thereon at the Rate of Five Pounds per Centum per Annum from the Time of such Default, may be recovered by the last-mentioned Person by the same Means and in the like Manner as if the same had been payable as Part of the said Charge.

Inclosure Commissioners may compel Maintenance of Improvements.

75. If it shall be represented to the Commissioners that the Person for the Time being bound to make periodical Payments of any Charge created under this or any other existing Act authorizing the Advance of Money for the Improvement of Land has neglected to uphold and maintain the Improvements in respect of which the Charge was executed or any of them, the Commissioners may, upon Security being given for such an Amount as they may consider necessary to cover any Expenses that may be incurred by them, cause an Inspection of the Works to be made by an Assistant Commissioner, Engineer, or Surveyor.

After such Inspection, if the Commissioners are satisfied that the Improvements have not been upheld and maintained, they shall cause Notice to be given to the Person bound to make the said periodical Payments requiring him to execute the Works necessary to uphold and maintain the same within Three Calendar Months from the Time of giving such Notice.

If such Works shall not be executed to the Satisfaction of the Commissioners within such Three Months, they may cause such Works as in their Judgment shall be necessary to uphold and maintain such Improvements to be executed by a Person appointed by them.

The Costs thereof, including the Expenses of the Assistant Commissioner, Engineer, or Surveyor, shall be repaid by the Person bound to make the said periodical Payments to the Person entitled to the Charge, on Request, and in default thereof the Amount so certified may be recovered, with all Expenses incidental to the Recovery thereof, in the Name of the Person for the Time being entitled to the Charge, by the same Means and in the like Manner as if the same had been payable as Part of the said Charge.

Inclosure Commissioners may give Relief from Maintenance of Improvements.

76. If it shall be represented to the Commissioners that it is not expedient or necessary that any Works for the Cost of which there shall be a subsisting Charge, or any Part of such Works, should be upheld or maintained, the Commissioners may, on having deposited with them a Sum, to be fixed by them, to cover all Expenses, cause the said Works to be inspected by an Assistant Commissioner, Engineer, or Surveyor.

If after such Inspection and Notice to the Parties who were served with Notice of the Application to charge the Land or their Representatives, and such other Persons, if any, as the Commissioners may direct, the Commissioners shall find and certify that is not expedient or necessary that the Works or any of them should be upheld or maintained, thereupon, the Person for the Time being bound to make the said periodical Payment shall be relieved from all Liability in respect of the Maintenance of the Works referred to in the Commissioner's Certificate.

Admiralty may remove Works abandoned or fallen into Decay.

77. If any Embankment or Work constructed under the Powers of this Act in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Embankment or Work which affects or may affect any such Water or River, or the Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Admiralty or the Board of Trade as the Case may require, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Landowner, the Amount of which Cost and Charge shall be a Debt due from the Landowner to the Crown, and be recovered accordingly, with Costs of Suit.

Subscription to Railways.

And with regard to charging Lands with Money subscribed for the Construction of Railways, be it enacted as follows:

Conditions for Application to Commissioners.

78. In case any Landowner shall be desirous of subscribing for any Shares or Stock in the Capital, whether original or additional, of a Company having Power to construct a Railway or navigable Canal, or any Branch or Extension Railway, or navigable Canal, or any Deviation of a Line of Railway or a navigable Canal already sanctioned, the Works for which such Subscription is to be made being unfinished, or in any additional Capital to be raised for the Completion of any such Railway, Canal, Branch, Extension, or Deviation, the same being upon or near to and which will improve or benefit the Lands of such Landowner, and who shall be desirous that such Amount, or any Part thereof, may be charged upon the Lands so to be improved, it shall be lawful for him to apply to the

Commissioners for that Purpose within the Time limited by the Railway or Canal Company's Act or Acts for the Construction of the Works in question.

Commissioners Proceedings on Application.

79. If the Commissioners shall think fit to entertain such Application, they shall cause all such Inquiries to be made, and take all such other Steps, as shall seem to them expedient for obtaining Information as to the Circumstances; and all the Provisions of the Thirteenth, Fourteenth, Fifteenth, Seventeenth, Eighteenth, Twentieth, Twenty-first, Twenty-second, Twenty-third, Twenty-fifth, and Fifty-first Sections of this Act shall apply to the Case, as though an Improvement were to be made of the Lands proposed to be charged.

Provisional Order sanctioning Charge.

80. If the Commissioners shall be satisfied that the Railway or Canal, when constructed and open for Traffic, will effect a permanent Increase of the yearly Value of the Lands exceeding the yearly Amount proposed to be charged thereon, they shall execute and deliver to the Landowner a Provisional Order, under their Seal and the Hands of Two of them, expressing their Sanction of the Charge proposed; and such Order shall be made as near to the Form set forth in the Schedule (A.) to this Act as the Circumstances will permit, and shall, with the Right to a Charge thereby created, be assignable by Endorsement, either absolutely or by way of Security, to any Company or Person that may agree to advance, by paying the same to the Railway or Canal Company, the Amount authorized to be charged, and Notice of such Assignment shall be given to the Commissioners, and shall be registered by them.

Companies empowered to lend.

81. Every Company empowered by Act of Parliament to lend Money for the Improvement of Land is hereby empowered to advance, by paying the same to the Railway or Canal Company, any Money authorized to be charged in manner aforesaid.

Commissioners Absolute Order and its Conditions.

82. When the Railway or Canal shall have been completed and opened throughout for public Traffic, and as many Shares in the Capital of the Railway or Canal Company subscribed for or held as aforesaid by the Landowner as shall be equal in nominal Amount to the Money authorized to be charged shall have been fully paid up, and the Certificates for such Shares shall have been deposited by the Landowner with the Commissioners, the Commissioners shall, by an Absolute Order under their Hands and Seal, execute to the Landowner or his Assignees a Charge upon the Inheritance or Fee of the Lands in question, of the Amount authorized as aforesaid to be charged, and may, if the Landowner shall so desire, include, with the Principal Money so charged, the Costs, Charges, and Expenses of the Application and Orders, and of any Advance which may have been made to him of the Amount authorized to be charged, and such settled or taxed Costs and Interest as mentioned in the Fiftieth Section hereof, subject nevertheless to the Proviso in the same Section contained.

Form and Effect of Absolute Order.

83. Such Absolute Order shall be made in the Form in the Schedule (B.) to this Act annexed, or as near thereto as the Circumstances will permit, and all the Provisions of this Act relating to Absolute Orders whether in respect of the Form or Effect of such Charges or Orders or otherwise, except only the Provisions for the Apportionment and Release of such Charges, shall apply to Absolute Orders under the last preceding Section, as far as the Circumstances admit.

Notice thereof to be entered in Register of Shareholders.

84. The Landowner shall forthwith give Notice to the Railway or Canal Company of the Execution of such Absolute Order, and of the Deposit of such Certificates with the Commissioners, and thereupon the Company shall make an Entry or Memorial in their Register of Shareholders with respect to such Shares of the Fact of such Absolute Order having been executed.

Person liable to pay Charge to be entitled for the Time being to the Shares,

85. From the Time of such Notice, and during the whole Term of the Charge created by such Absolute Order, the Person who for the Time being shall be bound to make the periodical Payments of such Charge shall be entitled to the said Shares, and if the same shall not at the Time being be registered in his Name, the Person registered as the Holder thereof shall, as between himself and the Person so entitled, hold them in trust for such last-mentioned Person.

and to have them stand in his own Name.

86. The Person so for the Time being entitled may at any Time require the Person registered as the Holder of the said Shares, or his Representatives, to transfer to him the said Shares, and such Transfer shall thereupon be made accordingly, but at the Expense in all respects of the Transferee; and upon the Production of such Transfer duly stamped, and of a Certificate by the Commissioners under their Hands and Seal that the Transferee is the Person at the Time being bound to make the periodical Payments of the said Charge, the Railway or Canal Company shall register such Transfer.

Rights and Duties of Persons registered for the Time being in respect of the Shares.

87. With the Exception of such Transfers as may from Time to Time be made for the Purpose of transferring the Shares to the Person so for the Time being entitled thereto, the said Shares shall not under any Circumstances be transferred or disposed of by the registered Holder, whether he be the Person for the Time being entitled thereto or not, during the Term of the said Charge; but during the Term of such Charge the registered Holder for the Time being of the said Shares shall have all the other Rights and Powers of a Shareholder in the Railway or Canal Company in respect of the said Shares; and the Railway or Canal Company shall not be bound to see to the Application of any Dividend received by such registered Holder, but as between himself and the Person or Persons for the Time being entitled to such Shares he shall hold any Dividend which may be received by him in trust for the Person who, at the Time when such Dividend became payable, was the Person entitled to the said Shares.

Entire Shares to belong to Parties in proportion to their Payments, and to be released to them from Time to Time.

88. Whenever any Person or those whom he legally represents as their Executor or Administrator shall have been bound to make, and shall have made, such and so many periodical Payments of the Charge as to repay thereby Principal Money which, in proportion to the whole Amount of Principal Money charged and the whole Number of the said Shares, shall correspond to any integral Number of Shares, with or without a Fraction over, it shall be lawful for the Commissioners, on the Application of such Person, made either during the Term of the Charge or within Two Years after its Expiration, to certify that Fact under their Hands and Seal, and by the same Certificate to appropriate to such Person certain specified Shares to such integral Number, and to deliver to him the corresponding Share Certificates; and upon the Production to the Railway or Canal Company of such Certificate by the Commissioners and Share Certificates, it shall be lawful for such Person, if he shall not already be the registered Holder, to require such Shares to be transferred to him, and the Railway or Canal Company shall make an Entry or Memorial on their Register of Shareholders of such Shares being freed from the Provisions of this Act, or of the Term of the Charge having expired, as the Case may be, and such Shares shall thenceforward be held and transferred in the same Manner as any other Shares in the same Company, but if the Term of the Charge shall not have expired the Three last preceding Sections of this Act shall still apply to the Residue of the Shares to which the same Charge shall relate.

Shares not claimed within Two Years from Expiration of Term to belong to Person bound to make last Payment of Charge.

89. The Shares composing the said Residue shall at the End of Two Years after the Expiration of the Term of the Charge belong to the Person who shall have been bound to make the last periodical Payment of the Charge, or to his Executors or Administrators, on such Payment being made; and the Commissioners shall deliver to him or them the corresponding Share Certificates and certify the Title to the Shares, under their Hands and Seal, in accordance with the above Provision; and upon the Production to the Railway or Canal Company of the Share Certificates and such Certificate by the Commissioners, such Person as aforesaid, or his Executors or Administrators, shall have the said Shares transferred to him or them, so far as he or they shall not be already the registered Holder or Holders thereof; and the Railway or Canal Company shall make an Entry or Memorial on their Register of Shareholders of the Term of the Charge having expired, and thenceforward the said Shares shall be held and transferred in the same Manner as any other Shares in the same Company.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Provisional Order.

(*Proper Heading.*)

The Inclosure Commissioners for England and Wales, in pursuance of "The Improvement of Land Act, 1864," do, by this Order under their Hands and Seal, sanction the proposed Improvements expressed

upon the Terms and Conditions that such Improvements be executed in the Manner mentioned or specified in the said Contract, and at an Expense not exceeding the Sum of and do hereby declare and provisionally order that it is right and proper, and for the Benefit of the Parties interested in the Lands mentioned in the Schedule hereto, that the Inheritance or Fee of such Lands should be charged with the said Sum of

together with the Costs, Charges, and Expenses preparatory or in relation to and consequent on the said Contract and the Application for this Order, and that the same should, to the whole Amount of such respective Moneys, [*or* should, to any Amount not exceeding *as the Case may be*,] be charged in the Manner following; (that is to say,) [*here express how the Amount is to be repaid, with Interest.*]

In witness whereof they have hereunto affixed their Hands and Seal, this Day of in the Year of our Lord One thousand eight hundred and

SCHEDULE of Lands provisionally charged.

Name, &c. of Lands.	Land-owner.	Occupier.	Parish.	County.	Total Acreage.	Total Rental.

SCHEDULE (B.)

The Improvement of Land Act, 1864.

County of
Parish of
No.

Absolute Order.

[*Here insert Name of Landowner*] of [*here insert Address*]
Loan of Pounds for the Improvement of
in the Parish of in the County of

The Inclosure Commissioners for England and Wales, in pursuance of "The Improvement of Land Act, 1864," do, by this Absolute Order under their Hands and Seal, charge the Inheritance or Fee of the Lands mentioned in the Schedule hereto with the Payment to

of the yearly Sum of Pounds Shillings and pence, payable half-yearly on the Day of and the Day of in every Year for the Term of Years, and being a proportionate Repayment, according to the Table annexed, of the Capital Sum of Pounds, with Interest at per Cent. per Annum, the first half-yearly Payment to be made on the Day of

Dated this Day of 18

SCHEDULE of Lands charged.

Name, &c. of Lands.	Land-owner.	Occupier.	Parish.	County.	Total Acreage.

TABLE.

Half-yearly Payments.	Proportionate Re-payments of the Loan.	Interest at £ per Cent. per Annum.

SCHEDULE (C.)

Assignment of a Charge.

(*Proper Heading.*)

I, *A. B.*, *&c.*, in pursuance of "The Improvement of Land Act, 1864," hereby, in consideration of [*state the Consideration*], assign to *C.D.* of, *&c.*, his Executors, Administrators, and Assigns, the Charge of the Sum of £ and Interest at the Rate of, *&c.* [*or the* Charge of, *&c.*, *as the Case may be*], which by virtue of the Absolute Order, No. [ ], executed by the Inclosure Commissioners for England and Wales, and dated *&c.*, is an absolute Charge on the Inheritance of the Lands mentioned in the Schedule hereto, and all the Powers, Authorities, Rights, and Remedies of with reference to such Charge. [*Here add such Clauses and Provisions, if any, as are agreed on between the Parties.*]

As witness, *&c.*, this Day of

(L. S.)

SCHEDULE of the Lands charged.

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.

SCHEDULE (D.)

Form of Order for apportioning Charges.

The Improvement of Land Act, 1864.

County of

Parish of

Whereas, by an Absolute Order under this Act, dated the Day of and numbered the Lands mentioned in the First and Second Schedules hereto were charged with the Payment to of the yearly Sum of payable half-yearly for the Term of Years:

And whereas, upon Application made to them, the Inclosure Commissioners for England and Wales see fit to apportion the said Charge:—

Now therefore the said Inclosure Commissioners, in pursuance of "The Improvement of Land Act, 1864," do, by this Order under their Hands and Seal, charge the Inheritance or Fee of the Lands mentioned in the First Schedule hereto with the Payment to of the yearly Sum of Pounds Shillings and Pence, payable half-yearly on the Day of and the Day of in every Year, for the Term of Years, being a proportionate Repayment, according to the Table to the same Schedule annexed, of the Capital Sum of Pounds, with Interest at per Cent. per Annum, the first half-yearly Payment to be made on the Day of ; and do also charge the Inheritance or Fee of the Lands mentioned in the Second Schedule hereto with the Payment to of the yearly Sum of Pounds Shillings and Pence, payable half-yearly on the Day of in every Year, for the Term of Years, being a proportionate Repayment, according to the Table to the same Schedule annexed, of the Capital Sum of Pounds, with Interest at per Cent. per Annum, the first half-yearly Payment to be made on the Day of ; and do further release and exempt the said Lands respectively from the respective Residues of the said Charge created by the above-mentioned Absolute Order.

Dated this Day of

FIRST SCHEDULE.

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.	Total Acreage.

TABLE.

Half-yearly Payments.	Proportionate Repayments of the Loan.	Interest at per Cent. per Annum.

SECOND

SECOND SCHEDULE.

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.	Total Acreage.

TABLE.

Half-yearly Payments.	Proportionate Repayment of the Loan.	Interest at per Cent. per Annum.

SCHEDULE (E.)

Form of Order for exempting Lands.

The Improvement of Land Act, 1864.

County of

Parish of

Whereas, by an Absolute Order under this Act, dated the Day of and numbered the Lands mentioned in the First and Second Schedules hereto were charged with the Payment to of the yearly Sum of payable half-yearly for the Term of Years;

And whereas, upon Application made to them, the Inclosure Commissioners for England and Wales see fit to release and exempt from such Charge such of the said Lands as are particularized in the First Schedule hereto:

Now therefore the said Inclosure Commissioners, in pursuance of "The Improvement of Lands Act, 1864," do, by this Order under their Hands and Seal, release and exempt the said Lands mentioned in the First Schedule hereto from the Charge created by the above-mentioned Absolute Order, and from all Liability thereto, and do hereby declare that the said Charge applies to and continues in force as to the Lands particularized in the Second Schedule hereto only.

Dated this Day of

SCHEDULE I. (Lands exempted.)

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.	Total Acreage.

SCHEDULE II. (Lands still subject to Rentcharge.)

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.	Total Acreage.

SCHEDULE (F.)

Vesting Order.

The Inclosure Commissioners for England and Wales, in pursuance of "The Improvement of Land Act, 1864," do, by this Order under their Hands and Seal, in consideration of £ to them paid by *A. B.* of transfer to and vest in the said *A. B.*, his Executors, Administrators, and Assigns, Shares of and in the Railway or Canal Company, numbered , and now registered in the Name of *C. D.*

In witness whereof they have hereunto affixed their Hands and Seal, this Day of in the Year One thousand eight hundred and

Improvement of Land Act, 1864.

A

BILL

INTITULED

The Improvement of Land Act, 1864.

(*Brought from the Lords* 23 *June* 1864.)

Ordered, by The House of Commons, *to be Printed,*
1 *July* 1864.

[Bill 187.]

Under 6 *ozs.*

REASON ASSIGNED BY THE LORDS

FOR DISAGREEING TO CERTAIN OF THE AMENDMENTS MADE BY THE COMMONS

TO THE

IMPROVEMENT OF LAND ACT, 1864, BILL.

Because the Purpose of the Bill being to render private Legislation on the Subject Matter thereof unnecessary for the future, and to induce existing Land Improvement Companies to bring themselves, together with all new Companies, under One general Public Act, it is objectionable to make Provision whereby Companies may carry on their Operations under different Acts in different Parts of the Kingdom.

REASON ASSIGNED BY THE LORDS

FOR DISAGREEING TO CERTAIN OF THE AMENDMENTS MADE BY THE COMMONS

TO THE

IMPROVEMENT OF LAND ACT 1864, BILL.

Ordered, by The House of Commons, *to be Printed*,
26 *July* 1864.

[Bill 238.]

Under 1 *oz.*

19 *February* 1864. 27 VICT.

A

BILL

TO

Authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales.

Preamble.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Acts for the Inclosure, Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and have in their Nineteenth Annual General Report certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Inclosures in Schedule may be proceeded with.

1. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

Short Title.

2. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Annual Inclosure Act, 1864," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Wooler and Humbleton	Northumberland	30th April 1863.
Ford Common	Northumberland	4th June 1863.
West Newton Common	Northumberland	4th June 1863.
Ayle Common	Northumberland	4th June 1863.
Ennerdale	Cumberland	4th June 1863.
Nantwich Barony	Chester	7th October 1863.
Yearsley Moor	York	2d November 1863.
Sandhurst, Norton and Wootton	Gloucester	2d November 1863.
Bedingfield	Suffolk	2d November 1863.
Slindon	Sussex	26th November 1863.
Marston Maisey	Wilts	2d November 1863.
Kirkland Fell	Cumberland	12th November 1863.
Earle and Wooler Common	Northumberland	2d November 1863.
Gammersgill	York	12th November 1863.
Reperry Common	Cornwall	7th January 1864.
Lutton	Northampton	22d December 1863.
Blackwell	Worcester	22d December 1863.
Briston	Norfolk	22d December 1863.
Norton	Radnor	22d December 1863.
Berrington	Worcester	23d December 1863.
Bucknall	Lincoln	9th June 1860.

Inclosure.

A

BILL

To authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales.

(*Prepared and brought in by*
Mr. Bruce and Sir George Grey.)

***Ordered**, by* The House of Commons, *to be Printed*,
19 *February* 1864.

[Bill 26.]

Under 1 *oz.*

A

BILL

TO

Authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Acts for the Inclosure, Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been given since the Date of their Nineteenth Annual General Report: And whereas the said Commissioners have by a Special Report certified their Opinion that such proposed Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Inclosures in Schedule may be proceeded with.

1. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

Short Title. **2.** In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Second Annual Inclosure Act, 1864," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Faddiley	Chester	27th January 1864.
Shiplake	Oxford	27th January 1864.
Dunster Salt Marsh	Somerset	2d November 1863.
Hartleyburn	Northumberland	25th February 1864.
Ruffside	Durham	25th February 1864.
Hillbeck Intake	Westmorland	14th April 1864.
Billingford Cow Common	Norfolk	14th April 1864.
Rudford	Gloucester	14th April 1864.
Barming Heath	Kent	4th May 1864.
Great Gidding	Huntingdon	14th April 1864.
Whitton	Radnor	28th April 1864.
Eversley	Southampton	4th May 1864.
Havant	Southampton	5th May 1864.
Leake	York	2d November 1863.
Lambley	Northumberland	5th May 1864.
Greystone Heath and Doe Green	Lancaster	14th April 1864.
Eltisley	Cambridge	17th March 1864.
Haydon Common	Dorset	12th May 1864.
Rochester Common	Northumberland	4th May 1864.
Avon Commons	Southampton	2d June 1864.
Ashley Heath	Southampton	9th June 1864.
Siddals Close and Chequers Close	Derby	27th May 1864.
Rose Ash	Devon	26th May 1864.
Combmartin	Devon	30th May 1864.
Rugeley	Stafford	21st May 1864.

Inclosure (No. 2.)

A

BILL

To authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners

(*Prepared and brought in by*
Mr. Baring and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
23 *June* 1864.

[Bill 170.]

Under 1 *oz.*

Indemnity Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 1 G. 1. st. 2. c. 13., 13 C. 2. st. 2. c. 1., 25 C. 2. c. 2., 30 C. 2. st. 2., 8 G. 1. c. 6., 9 G. 2. c. 26., 18 G. 2. c. 20., 6 G. 3. c. 53., 9 G. 4. c. 17., 10 G. 4. c. 7., 21 & 22 Vict. c. 48.

Persons who have omitted to qualify themselves as required by the recited Acts indemnified, and allowed further Time; Sect. 1.

Indemnity to those who have omitted to make and subscribe the Oaths and Declaration required by the Irish Act, 2 Anne, c. 6.; 2.

Not to indemnify Persons against whom final Judgment has been given; 3.

Not to exempt Justices acting without legal Qualification; 4.

Admissions to Corporations may be stamped after the Time allowed; 5.

Not to restore Persons to any Office avoided by Judgment; 6.

General Issue; 7.

A

BILL

TO

Indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

WHEREAS divers Persons who, on account of their Offices, Places, Employments, or Professions, or any other Cause or Occasion, ought to have qualified themselves according to an Act of the First Year of King George the First, Statute Two, Chapter Thirteen; or according to an Act of the Thirteenth Year of King Charles the Second, Statute Two, Chapter One; or according to an Act of the Twenty-fifth Year of King Charles the Second, Chapter Two; or according to an Act of the Thirtieth Year of King Charles the Second, Statute Two; or according to an Act of the Eighth Year of King George the First, Chapter Six; or according to an Act of the Ninth Year of King George the Second, Chapter Twenty-six; or according to an Act of the Eighteenth Year of King George the Second, Chapter Twenty; or according to an Act of the Sixth Year of King George the Third, Chapter Fifty-three; or

1 G. 1. st. 2. c. 13.
13 C. 2. st. 2. c. 1.
25 C. 2. c. 2.
30 C. 2. st. 2.
8 G. 1. c. 6.
9 G. 2. c. 26.
18 G. 2. c. 20.
6 G. 3. c. 53.
9 G. 4. c. 17.
10 G. 4. c. 7.

according to an Act of the Ninth Year of King George the Fourth, Chapter Seventeen; or according to an Act of the Tenth Year of King George the Fourth, Chapter Seven, so far only as the said Act relates to any Civil or Military Offices, or Places of Trust, or Places of Profit, or Corporate Offices; or according to an Act of the Session holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter Forty-eight, have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to qualify themselves, within such Time and in such Manner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers Penalties and Disabilities: For quieting the Minds of Her Majesty's Subjects, and for preventing any Inconvenience that might otherwise happen by means of such Omissions: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

21 & 22 Vict. c. 48.

Persons who have omitted to qualify themselves as required by the recited Acts indemnified, and allowed further Time.

1. Every Person who, at or before the passing of this Act, hath omitted to take or make and subscribe any Oath, Assurance, or Declaration, or otherwise to qualify himself within such Time and in such Manner as in and by the said Acts, or any of them, is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act, hath taken and subscribed the Oaths or Oath and Assurance, or made the Declarations or Declaration required by Law, or who, on or before the *Twenty-fifth Day of March One thousand eight hundred and sixty-five*, or if Parliament be then sitting before the End of the then Session of Parliament, shall take and subscribe the Oaths or Oath, and Assurance, Declarations or Declaration respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Assurance, and Declarations ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission previous to the passing of this Act of taking or making and subscribing any Oaths or Oath, Assurance or Declaration, required by the said recited Acts or any of them, according to the above-mentioned Acts or any of them, or any other Act or Acts; and every such Person is and shall be fully and actually recapacitated and restored to the same State and Condition as he was in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified himself, according to the abovementioned Acts and every of them; and all Elections of and Acts done or to be done by any such Person, or by Authority derived from him, are and shall be of the same Force and Validity as the same or any of them would have been if such Person had duly taken or made and subscribed such Oath, Assurance, and Declaration, according to the Directions of the said Acts and every or any of them; and the Qualification of such Person qualifying himself in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person had taken or made and subscribed such Oath or Oaths, Assurance and Declaration, within the Time and in the Manner appointed by the several Acts before mentioned.

Indemnity to those who have omitted to make and subscribe the Oaths and Declaration required by the Irish Act, 2 Anne, c. 6.

2. And whereas several Persons well affected to Her Majesty's Government, and to the United Church of England and Ireland, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Oaths and Declaration according to the Directions of an Act passed in the Parliament of Ireland in the Second Year of Queen Anne, intituled "An Act to prevent the further Growth of Popery:" All Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oaths, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned, anything in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form and in such Place or Places respectively as are directed and appointed by the said last-recited Act, on or before the *Twenty-fifth Day of March One thousand eight hundred and sixty-five*, or if Parliament be then sitting, before the End of the then Session of Parliament.

Not to indemnify Persons against whom final Judgment has been given.

3. Provided always, That this Act, or anything herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to exempt Justices acting without legal Qualification.

4. Provided also, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within Great Britain from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Admissions to Corporations may be stamped after the Time allowed.

5. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other Public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns, in Great Britain and Ireland, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns which by several Acts are directed and required to be stamped, may not have been provided, or the same not stamped, or may have been lost or mislaid:

For the Relief of such Persons whose Appointments and Admissions or the Entries of whose Admissions as aforesaid may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in Great Britain or Ireland, on or before the *Twenty-fifth Day of March One thousand eight hundred and sixty-five*, or if Parliament be then sitting, before the End of the then Session of Parliament, to provide or cause to be provided Appointments and Admissions or Entries of Admissions, as aforesaid, duly stamped, or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid to the Commissioners of Inland Revenue, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of double the Amount of the Duties first payable or to have beeen paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby comfirmed and qualified to act as Clerk of the Peace, Town Clerk, and other Public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Office, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

Not to restore Persons to any Office avoided by Judgment.

6. Provided always, That this Act or anything herein contained shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of Her Majesty's Courts of Record, or already legally filled up and enjoyed by any other Person, but such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

General Issue.

7. In case any Action, Suit, Bill of Indictment, or Information shall after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapaity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

Indemnity.

A

BILL

To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

(Prepared and brought in by
Mr. Peel and Mr. Baring.)

Ordered, by The House of Commons, *to be Printed,*
9 *May* 1864.

[Bill 97.]

Under 1 *oz.*

A

B I L L

TO

Vest the Site of the India Office in Her Majesty for the Service of the Government of India.

WHEREAS under or by virtue of the Powers and Provisions of the Acts following, or some of them, namely, the Acts of the Eighteenth and Nineteenth Years of Her Majesty, Chapter Ninety-five, the Twenty-second and Twenty-third Years of Her Majesty, Chapter Nineteen, the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapters Thirty-three and Eighty-eight, and the Twenty-fifth and Twenty-sixth Years of Her Majesty, Chapter Seventy-four (being the Acts for the Extension of the Public Offices in Downing Street), the Land described in the Schedule to this Act, together with other Land, has been purchased or otherwise acquired by and is now vested in the Commissioners of Her Majesty's Works and Public Buildings: And whereas the Secretary of State in Council of India has proposed to purchase the said Land described in the Schedule to this Act as a Site for Offices of his Department for a Sum of Eighty-six thousand seven hundred and sixty-five Pounds Seventeen Shillings and Fourpence, and Parts of the same Land were acquired by the said Commissioners of Her Majesty's Works and Public Buildings with a view to such Preamble.

proposed Purchase, and the Purchase Monies for such last-mentioned Parts, amounting in the whole to the Sum of Thirty-three thousand two hundred and twenty Pounds Seventeen Shillings and Sevenpence, were in fact provided and paid by the Secretary of State in Council of India: And whereas it is expedient that on Payment of the Balance of the Price aforesaid the said Land described in the said Schedule to this Act should be transferred to and vested in Her Majesty for the Service of the Government of India, as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

On Payment of 53,544*l.* 19*s.* 9*d.* by the Secretary of State in Council of India to the Consolidated Fund, the Land described in the Schedule (subject as therein mentioned) to become vested in Her Majesty for the Service of the Government of India.

1. On Payment by the Secretary of State in Council of India into the Bank of England to the Account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of the Sum of *Fifty-three thousand five hundred and forty-four Pounds Nineteen Shillings and Ninepence*, all the Land described in the Schedule to this Act shall (subject as in the same Schedule is mentioned) become and remain vested in Her Majesty, Her Heirs and Successors, for the Service of the Government of India, according to the Provisions of the Act of the Twenty-first and Twenty-second Years of Her Majesty, Chapter One hundred and six, for all the Estate and Interest therein of the said Commissioners of Her Majesty's Works and Public Buildings.

The Land when so vested to continue liable to the Payment of a Portion of the Parochial Rates and Taxes.

2. The said Land, when so vested in Her Majesty, shall be and continue liable to the Payment of *Eleven Thirty-fifth* Parts of all the Parochial Rates and Taxes to which the Entirety of the Land acquired by the said Commissioners of Her Majesty's Works and Public Buildings under or by virtue of the said Acts for the Extension of the Public Offices is or shall be by Law subject and liable.

Nothing to be built on the Great Quadrangle.

3. Nothing whatever shall be built on any Part of the Great Quadrangle delineated on the Plan referred to in the said Schedule to this Act, without the mutual Consent of the Secretary of State in Council of India and the First Commissioner of Her Majesty's Works and Public Buildings for the Time being.

The SCHEDULE above referred to.

All the Piece of Land containing Sixty-one thousand three hundred and forty Superficial Feet, or thereabouts, situate in the Parish of Saint Margaret in the City and Liberty of Westminster in the County of Middlesex, abutting on the West on Saint James's Park, on the North partly on Saint James's Park and partly on other Land acquired by the Commissioners of Her Majesty's Works and Public Buildings under the above-mentioned Acts, on the East on other Land also acquired by the said Commissioners under the same Acts, and on the South on Charles Street and on a Passage leading from Saint James's Park to Charles Street, as the same Land is delineated and described on a Plan signed by the Right Honourable William Francis Cowper, the First Commissioner of Her Majesty's Works and Public Buildings, and by the Right Honourable Sir Charles Wood, Baronet, One of Her Majesty's Principal Secretaries of State, and now deposited, or intended to be forthwith deposited, among the Records of Her Majesty's Court of Exchequer, and coloured Red on the same Plan; subject nevertheless to the Maintenance of a Foot and Carriage Way into the Great Quadrangle at the Place marked on the said Plan to the Satisfaction of the Commissioners for the Time being of Her Majesty's Works and Public Buildings, so long as the same shall be required by the same Commissioners.

India Office.

A

BILL

To vest the Site of the India Office in Her Majesty for the Service of the Government of India.

(*Prepared and brought in by*
Mr. Cowper and Mr. Peel.)

Ordered, by The House of Commons, *to be Printed,*
22 *June* 1864.

[Bill 166.]

Under 1 *oz.*

A

B I L L

TO

Amend an Act of the Twenty-fifth Year of the Reign of Her present Majesty, to provide for the Registration and Transfer of Indian Stocks at the Bank of Ireland, and for the mutual Transfer of such Stocks from and to the Banks of England and Ireland respectively.

Preamble.
25 Vict. c. 7.

WHEREAS by an Act passed in the Session holden in the Twenty-fifth Year of the Reign of Her present Majesty, Chapter Seven, Provision was made for the Registration and Transfer of India Stocks at the Bank of Ireland, and for the mutual Transfer of such Stocks from and to the Banks of England and Ireland respectively: And whereas it was therein provided that all Assignments or Transfers at the Bank of Ireland of any Part of the several Stocks, and the proportional Dividend attached thereto, should be signed by the Parties making such Assignments or Transfers, or by his, her, or their Attorney or Attornies lawfully authorized, and that the Person or Persons to whom any such Assignment or Transfer should be made, or in case of Absence his, her, or their Attorney or Attornies lawfully authorized, should respectively underwrite his, her, or their Acceptance thereof, and that no other Method of assigning or transferring any such Stock and the Dividend attached thereto or any Interest therein at the Bank of Ireland should be good and available in Law: And whereas it is expedient that it should be optional with any Person or Persons to signify in Writing his, her, or their Acceptance of any such Stock transferred at the Bank of Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Assignments and Transfers of India Stock in the Bank of Ireland valid, although not accepted in Writing.

1. That no such Assignment or Transfer as aforesaid at the Bank of Ireland of the before-mentioned India Stocks or any Parts thereof, or of the Dividend attached thereto, or any Interest therein, shall be deemed invalid or ineffectual by reason that the Acceptance of such Assignment or Transfer may not have been signified in Writing by the Party or Parties to whom the Assignment or Transfer shall have been made.

India Stocks Transfer Act Amendment.

A

B I L L

To amend an Act of the Twenty-fifth Year of the Reign of Her present Majesty, to provide for the Registration and Transfer of Indian Stocks at the Bank of Ireland, and for the mutual Transfer of such Stocks from and to the Banks of England and Ireland respectively.

(Prepared and brought in by
Sir Charles Wood and Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
30 *June* 1864.

[Bill 183.]

Under 1 *oz.*

A

BILL

TO

Repeal certain Parts of the Act of the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-five, and to make Provision for the Medical Service of Her Majesty's Indian Forces.

WHEREAS by an Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-five, Provision was, amongst other things, made for the Mode of Appointment of Assistant Surgeons in the East India Company's Forces, and for empowering the Board of Commissioners for the Affairs of India to make from Time to Time Regulations in that Behalf: And whereas certain Regulations were, in pursuance of the said Provisions, made by the said Board of Commissioners: And whereas by an Act of the Session holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter One hundred and six, intituled "An Act for the better Government of India," it was enacted that, save as therein otherwise provided, One of Her Majesty's Principal Secretaries of State should have and perform all such or the like Powers and Duties in anywise relating to the Government Preamble.

or Revenues of India as might or should have been exercised by the East India Company or by the Court of Directors of the said Company, or by the said Commissioners for the Affairs of India; and it was by the said Act further provided, that the Military and Naval Forces of the East India Company should be deemed to be the Indian Military and Naval Forces of Her Majesty: And whereas it is expedient that Provision should now be made for the Medical Service as well of the said Indian Military Forces of Her Majesty as of the Government of India generally, otherwise than is in the said first-recited Act contemplated, and in particular by employing in and about the said Service Medical Officers trained according to the Regulations and Instructions which are or may be in force respecting the Medical Service of Her Majesty's general Army, or trained in such other Manner as may from Time to Time be considered best adapted for the Purpose: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Parts of the Act 16 & 17 Vict. c. 95. repealed.

1. So much of the said first-recited Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-five, as relates to the Appointment of Assistant Surgeons in the East India Company's Forces, and to the Powers of the Board of Commissioners for the Affairs of India in relation to such Appointments (except so far as the same repeals former Acts or Parts of Acts), is hereby repealed.

The Secretary of State for India in Council empowered to make Regulations for the Medical Service of Her Majesty's Forces in India, and to empower the Authorities in India to make similar Regulations.

2. It shall be lawful for the Secretary of State for India in Council to make from Time to Time such Regulations as he may consider expedient for the Appointment of Persons to be employed in and about the Medical Service of Her Majesty's Military Indian Forces, and in Medical Offices connected with the Civil Administration of India; and also from Time to Time to empower the Governor General of India in Council, or the Governors of the respective Presidencies of India in Council, to make Regulations for the same Purposes, or for such Portions thereof as the said Secretary of State may deem expedient, within the local Limits of their respective Governments: Provided always, that all Regulations to be made by such Authorities in India as aforesaid shall be reported by them to the Secretary of State in Council, and shall be subject to Disallowance by him.

Indian Medical Service

A

B I L L

To repeal certain Parts of the Act of the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-five, and to make Provision for the Medical Service of Her Majesty's Indian Forces.

(Prepared and brought in by
Sir Charles Wood and The Marquis of
Hartington.)

Ordered, by The House of Commons, *to be Printed,*
15 *July* 1864.

[Bill 213.]

Under 1 *oz.*

Inland Revenue (Stamp Duties Bill).

ARRANGEMENT OF CLAUSES.

Preamble.

Re-assurances of Sea Risks may lawfully be made. On Termination of Risk and Proof of prior Assurance duly stamped, Allowance to be made for Stamp Duty on Policy of Re-assurance; Sect. 1.

Bills of Exchange payable on Demand and endorsed abroad to be deemed Foreign Bills; 2.

Stamp Duties on Letters of Attorney for the Receipt of Dividends or Interest of Stocks, Funds, &c.; 3.

Stamp Duties on Probates, Letters of Administration, and Inventories to extend to British Ships at Sea; 4.

Probates, &c. exempted from Stamp Duty where the Effects do not exceed 100*l.*; 5.

Stamp Duties on certain Licences to be for the future Excise Duties; 6.

A Licence may be granted to a Hawker upon the Certificate required by Law, and may be renewed on the Production of a previous Licence; 7.

Brewers Licences to expire on the 30th of September in each Year; 8.

Repeal of Provisions relating to Brewers in Ireland; 9.

Extension to Ireland of Provisions relating to Brewers in Great Britain; 10.

Couch Frames not to be altered after Entry, unless upon Notice to Supervisor; 11.

Tobacco Licences taken out by Keepers of Inns in Scotland to expire on the same Day as Licences taken out by them for the Sale of exciseable Liquors; 12.

Tobacco Licences granted to Persons who retail Beer not to be consumed on Premises to expire on 10th October in each Year; 13.

Auctioneers not to deal in or sell exciseable Commodities except upon licensed Premises; 14.

Postage Stamps may be received in Payment of Taxes in Scotland and Ireland; 15.

Petty Sessions (Ireland) Act, 1851. Provisions of Section 22. of Petty Sessions Act not to apply to Penalties under Illicit Distillation Act; 16.

Persons admitted Barristers in England or in Ireland may be admitted in the other Part of the United Kingdom on Payment of the Stamp Duty of 10*l.* only; 17.

Parts of certain Stamp Duties to be paid direct to the Treasurer of King's Inn, Ireland, instead of into the Exchequer as heretofore; 18.

Provisions of former Acts to apply to this Act; 19.

A

B I L L

FOR

Granting to Her Majesty certain Stamp Duties; and to amend the Laws relating to the Inland Revenue.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

19 Geo. 2. c. 37. s. 4.

1. Whereas an Act was passed in the Nineteenth Year of King George the Second, Chapter Thirty-seven, intituled "An Act to "regulate Insurance on Ships belonging to the Subjects of Great "Britain and on Merchandises or Effects laden thereon;" and by Section Four of the same Act it is prohibited to make Re-assurance except in the Cases therein mentioned: And whereas it is expedient to remove such Restriction: Be it enacted, That notwithstanding anything contained in the said Act it shall be lawful to make Re-assurance upon any Ship or Vessel or upon any Goods, Merchandise or other Property on board of any Ship or Vessel, or upon the Freight of any Ship or Vessel, or upon any other Interest in or relating to any Ship or Vessel which may lawfully be insured, and such Re-assurances shall be deemed to be the Insurance of Interests which may lawfully be insured within the Meaning of the Acts imposing Stamp Duties on Policies of Sea Insurance: Provided always, that if

Re-assurances of Sea Risks may lawfully be made.

On Termination of Risk and Proof of prior Assurance duly stamped, Allowance to be made for Stamp Duty on Policy of Re-assurance.

if within Three Calendar Months next after the Termination of the Risk on any Policy of Re-assurance Application shall be made to the Commissioners of Inland Revenue, and it shall be proved to their Satisfaction that any such Re-assurance as aforesaid has been made on the same Property or Interest and Risk which shall have been previously assured to the same or some greater Amount, by One or more lawful and valid Policy or Policies, existing at the Time of making such Re-assurance, and duly stamped for denoting the full and proper Duties chargeable thereon, it shall be lawful for the said Commissioners to make Allowance for the Stamp Duty impressed on the Policy of Re-assurance in like Manner as in the Case of spoiled Stamps on Policies of Insurance under the Act passed in the Fifty-fourth Year of the Reign of King George the Third, Chapter One hundred and thirty-three; and the several Provisions of the said Act, so far as they are applicable or can be applied, shall be observed and put in force with respect to the Allowance of the Stamps on the said Policies of Re-assurance.

Bills of Exchange payable on Demand and endorsed abroad to be deemed Foreign Bills.

2. Any Bill of Exchange payable on Demand, which shall be endorsed out of the United Kingdom, or purport to be so endorsed, wheresoever the same may have been drawn, shall, for the Purpose of charging the Stamp Duty thereon, be deemed to be a Foreign Bill of Exchange, but shall be chargeable with the same Amount of Stamp Duty as an Inland Bill of Exchange for the Payment of Money otherwise than on Demand, according to the Amount thereby made payable; and the Provisions, Regulations, and Penalties contained in the Fifth Section of the Act passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-three, shall be deemed to apply to any such Bill so endorsed or purporting to be endorsed as aforesaid, as if the same were a Bill drawn out of the United Kingdom.

Stamp Duties on Letters of Attorney for the Receipt of Dividends or Interest of Stocks, Funds, &c.

3. In lieu of the Stamp Duties now payable for or upon any Letter or Power of Attorney for the Receipt of Dividends or Interest of any of the Government or Parliamentary Stocks or Funds, or of the Stocks or Funds of the Secretary of State in Council of India, or of India Promissory Notes, or registered Promissory Notes, the Interest of which is payable by Bills of Exchange on the Governments of India, Madras, and Bombay respectively, or of the Stocks, Funds, or Shares of or in any Joint Stock Company or other Company or Society whose Stocks or Funds are divided into Shares and transferable, there shall be charged and paid for or upon such Letter or Power of Attorney as aforesaid the following Stamp Duties; (that is to say,)

Where such Letter or Power of Attorney shall be for the Receipt of One Payment only, the Duty of *One Shilling:*

And where the same shall be for continuous Receipt or for the Receipt of more than One Payment, the Duty of *Five Shillings*.

Stamp Duties on Probates, Letters of Administration, and Inventories to extend to British Ships at Sea.

4. And whereas certain ad valorem Stamp Duties are by several Statutes in that Behalf granted and imposed upon or in respect of the following Instruments; (that is to say,)

Probate of a Will and Letters of Administration, with or without a Will annexed, to be granted in England or Ireland;

Inventory to be exhibited and recorded in any Commissary Court in Scotland, of the Estate and Effects of any Person deceased:

Be it enacted, That the said Stamp Duties shall be charged and paid in respect of the Value of any Ship or any Share of a Ship belonging to any deceased Person which shall be registered at any Port in the United Kingdom, notwithstanding such Ship at the Time of the Death of the Testator or Intestate may have been at Sea or elsewhere out of the United Kingdom; and for the Purpose of charging the said Duties, such Ship shall be deemed to have been at the Time aforesaid in the Port at which she may be registered.

Probates, &c. exempted from Stamp Duty where the Effects do not exceed 100*l.*

5. No Stamp Duty shall be chargeable on any such Probate, Letters of Administration, or Inventory as aforesaid in any Case where the whole Estate and Effects of the deceased Person dying after the passing of this Act (exclusive of what he shall have been possessed of or entitled to as a Trustee for any other Person or Persons, and not beneficially,) shall be sworn not to exceed, and shall not actually exceed in Value the Sum of *One hundred Pounds*.

Stamp Duties on certain Licences to be for the future Excise Duties.

6. Whereas it is expedient that the Duties now payable as Stamp Duties upon the Licences herein-after mentioned should for the future be and become payable as Duties of Excise: Be it enacted, That on and from and after the First Day of July One thousand eight hundred and sixty-four the Duties now payable by Law upon or in respect of the Licences to be taken out in the United Kingdom by Persons carrying on the Trades and Businesses herein-after mentioned, as described and defined by the several Statutes relating to such Licences and Trades or Businesses respectively; (that is to say,)

Appraisers,
Pawnbrokers,
Dealers in Gold and Silver Plate,
Owners, Proprietors, Makers and Compounders of, and Persons uttering, vending, or exposing to Sale, or keeping ready for Sale, any Medicine liable to Stamp Duty,
Hawkers and Pedlars,
House Agents,

Sellers of Playing Cards (being Makers thereof),
And Sellers of Playing Cards (not being Makers thereof);
Shall respectively be denominated and be deemed to be Duties of Excise; and the said Licences respectively shall be granted by such Officer or Officers of Excise, and shall be in such Form as the Commissioners of Inland Revenue shall direct in that Behalf; and all Powers and Directions granted to or to be observed by any Officer of Stamps, and now in force, contained in any Act relating to the said Duties or Licences, or to the said Trades and Businesses, or any of them, may be executed and enforced and shall be observed by any Officer of Excise; and all such Duties and all Fines, Penalties, and Forfeitures imposed by any Act or Acts of Parliament upon any Person who shall carry on any of the said Trades or Businesses without being duly licensed, or who shall do or omit to do any Act or Thing in any Manner contrary to the Provisions of any Act of Parliament relating to the said Licences, or to the said Duties, or any of them, may be collected, sued for, recovered, levied, mitigated, paid, and applied by the same Means and Methods, and in like Manner and under the same general or special Powers, Provisions, Regulations, and Directions as to Appeal, and in all other respects, as any other Duties of Excise, or any Fines, Penalties, or Forfeitures, are directed to be collected, sued for, recovered, levied, mitigated, paid, and applied under any Act relating to the Excise Revenue, as well as by the Means and Methods and in the Manner directed by the said Act or Acts relating to the said Duties or Licences, or to the said Trades or Businesses, and in force at the Time of the passing of this Act.

A Licence may be granted to a Hawker upon the Certificate required by Law, and may be renewed on the Production of a previous Licence.

7. Any Licence to a Hawker, Pedlar, and Petty Chapman in Great Britain may be granted by any authorized Officer of Excise upon the Person applying for it producing the Certificate described in the Sixth Section of the Act passed in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Twenty-one, or in any former Act: Provided always, that it shall be lawful to grant to any Person who shall have taken out a Licence as a Hawker, Pedlar, and Petty Chapman, a renewed Licence upon the Production and Surrender of the Licence last previously issued to him as such Hawker, Pedlar, and Petty Chapman, and without the Production of any further or other Certificate, so long as he shall continue to renew his Licence immediately upon the Expiration thereof.

Brewers Licences to expire on the 30th of Sep-

8. All Licences granted to Brewers of Beer for Sale after the Thirtieth Day of September in the Year One thousand eight hundred and sixty-four shall continue and be in force from the Day of the

Date of such Licences respectively until and upon the Thirtieth Day of September next after the granting thereof, on which last-mentioned Day all such Licences shall expire.

tember in each Year.

Repeal of Provisions relating to Brewers in Ireland.

9. Whereas it is expedient that the Laws relating to Brewers of Beer for Sale should be made uniform throughout the United Kingdom: Be it enacted, That Sections Fifty-four to Sixty-five inclusive (relating to Brewers of Beer in Ireland) of the Act passed in the Seventh and Eighth Years of the Reign of King George the Fourth, Chapter Fifty-two, and so much of Section Thirteen of the Act passed in the Third and Fourth Years of the Reign of King William the Fourth, Chapter Sixty-eight, as prohibits any Brewer from receiving or holding a Licence to sell Beer, Cider, or Spirits by Retail, to be drunk or consumed on the Premises, shall be and the same are hereby repealed, except as to anything done or omitted to be done, or as to any Penalty or Forfeiture which shall respectively have been incurred, before the passing of this Act.

Extension to Ireland of Provisions relating to Brewers in Great Britain.

10. Sections Two and Three of the Act passed in the Fifty-sixth Year of the Reign of King George the Third, Chapter Fifty-eight, (as amended and altered by Section Twenty of the Act passed in the Twenty-fifth Year of the Reign of Her present Majesty, Chapter Twenty-two,) and Sections One, Two, and Three of the Act passed in the First and Second Years of the Reign of King George the Fourth, Chapter Twenty-two, and also Sections Fifteen and Sixteen of the Act passed in the First Year of the Reign of King William the Fourth, Chapter Fifty-one, shall extend to and be in force in Ireland, and shall apply to Brewers of Beer in Ireland, and to all Acts, Matters, and Things done or to be done in Ireland, in like Manner as at the Time of the passing of this Act the said Sections of the several Acts aforesaid do apply to the like Acts, Matters, and Things done or to be done in Great Britain.

Couch Frames not to be altered after Entry, unless upon Notice to Supervisor.

11. And whereas by an Act passed in the Seventh and Eighth Years of the Reign of King George the Fourth, Chapter Fifty-two, Couch Frames to be used by Maltsters in the making of Malt are required to be made and constructed in the Manner and Form thereby prescribed, and it is fit and proper, in order to prevent Fraud or Error in the gauging of the Corn or Grain, that no Alteration should be made in such Couch Frames without previous Notice to the Officers of Excise: Be it enacted, That if any Alteration shall be made in the Dimensions, Size, or Capacity of any Couch Frame in the Malthouse of any Maltster after Entry thereof made by him with the Officer of Excise without Four Days Notice in Writing having been previously given by such Maltster of the intended Alteration to the Supervisor of Excise of the District in which such Malthouse is situate, the Maltster shall forfeit the Sum of *One hundred Pounds,* together with all Corn or Grain found in the said Couch Frame.

Tobacco Licences taken out by Keepers of Inns in Scotland to expire on the same Day as Licences taken out by them for the Sale of exciseable Liquors.

12. And whereas Licences for the Sale of Beer, Spirits, and Wine in Inns and Public Houses licensed under the Authority of Justices of the Peace in Scotland expire on the Fifteenth Day of May in each Year, and it would be convenient to the Keepers of such Inns and Public Houses if the Licences to deal in and sell Tobacco and Snuff therein expired on the said Day instead of on the Tenth Day of October in each Year as now provided by Law: Be it enacted, That all Licences to deal in or sell Tobacco or Snuff, which shall be granted after the passing of this Act to the Keepers of such Inns or Public Houses as aforesaid, shall expire on the Fifteenth Day of May next after the granting of the same; and every such last-mentioned Licence as aforesaid which shall be in force at the Time of the passing of this Act, and which but for this Act would expire on the Tenth Day of October next, shall continue in force until the Fifteenth Day of May One thousand eight hundred and sixty-five, provided the Holder of any such Licence shall on or before the Eleventh Day of October next pay to the proper Collector of Excise in respect of the Continuance of such Licence the Sum of *Three Shillings,* the Payment of which Sum shall be endorsed by such Collector on the said Licence; and for the Purpose of ascertaining the proportionate Amount of Duty to be paid in respect of any Licence to deal in or sell Tobacco or Snuff which shall be granted after the passing of this Act to any Person intending to keep such Inn or Public House as aforesaid, and who shall be entitled under the Laws of Excise to take out such Licence as a Beginner according to the Quarter of the Year in which such Licence shall be taken out, the Four Quarters of the Year shall be deemed to expire on the Days herein-after mentioned; that is to say, the First Quarter on the Fifteenth Day of August, the Second Quarter on the Fifteenth Day of November, the Third Quarter on the Fifteenth Day of February, and the last Quarter on the Fifteenth Day of May.

Tobacco Licences granted to Persons who retail Beer not to be consumed on Premises to

13. And whereas by the Twenty-fifth Section of an Act passed in the Twenty-sixth and Twenty-seventh Years of Her Majesty's Reign, Chapter Thirty-three, it is enacted that Licences to be taken out for the Sale of Tobacco or Snuff by Innkeepers or Persons licensed to sell Beer to be consumed upon the Premises after the Fifth Day of July One thousand eight hundred and sixty-three, should expire on the Tenth Day of October next after the granting thereof, and it is expedient that such Licences when granted to Persons licensed to sell Beer by Retail not to be consumed on the Premises, under an Act passed in the First Year of the Reign of King William the Fourth, Chapter Sixty-four, and other Acts for the Amendment thereof, should also expire on the said last-mentioned Day: Be it enacted, That all Licences for the Sale of Tobacco or Snuff, which after the passing of this Act shall be granted to Persons licensed to sell Beer as last aforesaid, shall expire on the Tenth Day of October next after the granting of the same.

expire on 10th October in each Year.

Auctioneers not to deal in or sell exciseable Commodities except upon licensed Premises.

14. And whereas by the Sixth Section of the Act passed in the Eighth Year of Her Majesty's Reign, Chapter Fifteen, it is enacted that any Auctioneer, having in force a Licence on which the Duty under the Provisions of that Act has been paid, may sell by Auction any Property, Goods, or Commodities mentioned in the said Section without taking out any other Licence in such respect: And whereas Persons holding Licences as Auctioneers do under Colour thereof carry on the Business of Dealers and Traders in Commodities for the dealing in and selling of which Excise Licences are by Law required to be taken out, and it is expedient to alter and amend the Law in this respect: Be it enacted, That no Licence taken out by any Person to exercise or carry on the Trade or Business of an Auctioneer shall authorize such Person to deal in or sell, either on his own Account or for his own Benefit, or on Account of or for the Benefit of any other Person, any Commodities for the dealing in or selling of which an Excise Licence is required, except upon Premises in respect of which the Owner of such Commodities shall have taken out and shall have in force at the Time of the Sale thereof the proper Excise Licence for the Sale of such Commodities; provided that any such licensed Auctioneer may sell by Auction, by Sample, in any Town or Place, any such Commodities as aforesaid, if the Owner thereof shall be duly licensed for the Sale of such Commodities in the same Town or Place; and provided also, that the Commissioners of Inland Revenue may in their Discretion authorize any licensed Auctioneer to sell any such Commodities by Auction where they shall be satisfied that the said Commodities are the Property of a private Person, and are not sold for Profit or by way of Trade; and if any Person shall sell by Auction any such Commodities contrary to or otherwise than as allowed by this Section, he shall incur the Penalties imposed upon Persons dealing in or selling such Commodities without the Excise Licences required by Law.

Postage Stamps may be received in Payment of Taxes in Scotland and Ireland.

15. It shall be lawful for the Lords Commissioners of Her Majesty's Treasury, if they shall see fit, and under such Regulations, Conditions, and Limitations as they shall think proper, to authorize and direct the Commissioners of Inland Revenue and their Officers to receive Postage Stamps as and for Payment of the respective Taxes of Land Tax and Assessed Taxes and Income Tax, or any of them, which may become due or payable in Scotland or Ireland; and, under such Regulations as aforesaid, such Postage Stamps shall be delivered over to the Postmaster General or his Officers, and the Amount or Value thereof be paid out of the Revenue of the Post Office to the Inland Revenue, and accounted for as Monies arising from the said Taxes.

1 & 2 W. 4. c. 55. s. 31.

Petty Sessions (Ireland) Act, 1851.

Provisions of Section 22. of Petty Sessions Act not to apply to Penalties under Illicit Distillation Act.

16. And whereas an Act was passed in the First and Second Years of the Reign of King William the Fourth, Chapter Fifty-five, to consolidate and amend the Laws for suppressing the illicit making of Malt and Distillation of Spirits in Ireland, herein-after called "The Illicit Distillation Act:" And whereas by the Twenty-second Section of the Petty Sessions (Ireland) Act, 1851, Power and Authority is given to Justices of the Peace at Petty Sessions, in all Cases of summary Jurisdiction, where they shall be authorized to award any penal or other Sum, to order that the same shall be paid either forthwith or at such Time as they shall see fit to fix: Be it enacted, That the said Provision of the Twenty-second Section of the said Petty Sessions Act herein-before recited shall not extend to any Penalty which shall be awarded for any Offence committed against the Provisions of the said Illicit Distillation Act, but such Penalty shall be payable and levied forthwith in due Course of Law.

Persons admitted Barristers in England or in Ireland may be admitted in the other Part of the United Kingdom on Payment of the Stamp Duty of 10*l.* only.

17. Whereas the Stamp Duty chargeable on the Admission of any Person to the Degree of Barrister-at-Law in either of the Inns of Court in England is Fifty Pounds, and the Stamp Duty chargeable on the Admission of any Person to the like Degree in the Inns of Court in Ireland is also Fifty Pounds, but of the latter Sum Ten Pounds is payable to the Treasurer of the Society of King's Inns, to be applied as the Society may direct: Be it enacted, That where any Person duly admitted to the said Degree in Ireland, and having paid the full Stamp Duty chargeable thereon, shall be admitted as aforesaid in England, his latter Admission shall be chargeable with the Stamp Duty of *Ten Pounds* only for the Use of Her Majesty's Revenue; and where any Person duly admitted to the said Degree in England, and having paid the full Stamp Duty chargeable thereon, shall be admitted as aforesaid in Ireland, his latter Admission shall be chargeable with the Stamp Duty of *Ten Pounds* only for the Use of the said Society of King's Inns, to be paid over to the Treasurer of the said Society and applied as directed or authorized by the Statutes in that Behalf.

Parts of certain Stamp Duties to be paid direct to the Treasurer of King's Inns, Ireland, instead of into the Exchequer as heretofore.

18. Whereas by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Eighty-two, and the several Acts continuing and confirming the same, the Receiver General of Stamp Duties is required to pay Parts of certain Stamp Duties in the said first-recited Act mentioned at the Receipt of Her Majesty's Exchequer in Ireland, and the Commissioners of Her Majesty's Treasury for the Time being are directed to pay the same to the Treasurer of the Society of King's Inns: Be it enacted, That the said Receiver General shall pay the same to the said Treasurer instead of to the Receipt of Her Majesty's Exchequer in Ireland as directed by the said Acts, to be applied as in the said Acts mentioned.

Provisions of former Acts to apply to this Act.

19. All the Powers, Provisions, Clauses, Regulations, Forfeitures, Pains, and Penalties contained in or imposed by any Act or Acts relating to any Duties of the same Kind or Description as the several Rates or Duties granted by this Act respectively, and in force at the Time of the passing of this Act, and not hereby expressly repealed, shall respectively be in full Force and Effect with respect to the said Rates and Duties by this Act granted respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Rates and Duties and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, mutatis mutandis, with reference to the Rates and Duties by this Act granted respectively.

Inland Revenue (Stamp Duties).

A

B I L L

For granting to Her Majesty certain Stamp Duties; and to amend the Laws relating to the Inland Revenue.

(Prepared and brought in by
Mr. Massey, Mr. Chancellor of the Exchequer,
and Mr. Peel.)

Ordered, by The House of Commons, *to be Printed,*
17 *June* 1864.

[Bill 159.]

Under 2 oz.

A

B I L L

TO

Enable the Benchers of the Inns of Court to appoint Judicial Committees in certain Cases and to give the necessary Powers to such Committees.

WHEREAS it is desirable to amend the Law regarding the Jurisdiction and Authority exercised by the Benchers of the Four Inns of Court in England in certain Cases: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

1. That whenever any Charge or Complaint connected with or affecting the Practice and the Duties or the Honour of the Legal Profession shall be made against any Barrister to the Benchers of the Inn of Court in England of which he is a Member, and also whenever the Benchers of any of the Four Inns of Court shall deem it necessary or expedient for the Honour and Credit of the Legal Profession to inquire into the Conduct of any Barrister or other Member of their Inn, and also whenever any Objection to the Call to the Bar of any Student shall be made to the Benchers of the Inn of Court to which such Student belongs, or to the Admission as a

Benchers empowered to elect Judicial Committees in Cases of Charges against Barristers, or Inquiries into the Conduct of any Member of their Inn, or Objections to Call or Admission of Students.

Student of any Person, in every such Case it shall be lawful for such Benchers, and they are hereby required, to elect from their own Body Five Benchers to constitute a Judicial Committee to hear and determine such Charge or Complaint, or such Matter of Inquiry, or such Objection as aforesaid.

Power to Judicial Committees to hear and determine Cases, and to disbar or suspend Barristers, or expel any Member of the Inn.

2. It shall be lawful for any such Judicial Committees elected as aforesaid, and they are hereby required in every such Case to hear and determine every such Charge or Complaint, or such Matter of Inquiry, and every such Objection as aforesaid; and such Judicial Committee shall have the Power to disbar any Barrister, or to expel from the Inn any Barrister or other Member of such Inn whom such Committee shall find guilty of any Offence deserving such Punishment, or to suspend any such Barrister or other Member of the Inn from Practice for any Time that they shall think proper; and also such Committee shall have Power to hear and determine any Objection made to the Call to the Bar of any Student as aforesaid, or to the Admission of any Person as a Student.

No Barrister to be disbarred or suspended, and no one shall be expelled or refused to be called or admitted, except by Decision of a Judicial Committee.

3. No Barrister shall be disbarred or suspended from Practice, no Barrister or other Member of any Inn shall be expelled from such Inn, and no Student shall be refused to be called to the Bar, and no Person shall be refused Admission as a Student to any Inn of Court, except by Decision of a Judicial Committee elected under the Provisions of this Act.

Right of challenging Three Members of Judicial Committee.

4. It shall be lawful for any Barrister or other Member of any Inn of Court against whom any Charge or Complaint shall be brought before, or whose Conduct shall be inquired into by any such Judicial Committee, or any Person whose Call or Admission shall be objected to as aforesaid, to challenge any of the Members of such Judicial Committee not exceeding Three, and the Benchers of the Inn of Court by whom such Committee was elected shall thereupon choose some other Bencher or Benchers of such Inn of Court to hear and determine such Charge or Complaint or Objection in the Place of the Member or Members so challenged.

Appeal to the Judges.

5. In every Case within the Provisions of this Act an Appeal shall lie from such Judicial Committee to the Judges of the Superior Courts of Common Law, that is to say, the Courts of Queen's Bench, Common Pleas, and Exchequer.

Power for Judges to frame, alter, and amend Rules for Election of

6. It shall be lawful for the Judges of the said Superior Courts of Common Law, or any Five of them, from Time to Time to frame, alter, and amend Rules and Regulations for the Election of such

Judicial Committees, and for the Procedure of such Judicial Committees, and of Appeals from their Decisions.

Judicial Committees, and for Procedure.

7. Such Judicial Committees as aforesaid and the Judges hearing any Appeal therefrom shall in all Cases sit in open Court, unless all Parties to the Case shall agree that such Case shall be heard in private, and the Judgments of such Judicial Committees and of the Judges on Appeal respectively shall be in Writing stating the Reasons on which such Judgments are grounded.

Committees and Judges to sit in open Court, unless Parties shall consent to private Hearing.

8. The said Judicial Committees, and the Judges sitting on Appeal therefrom, shall have all the Powers of compelling the Attendance of Witnesses and the Production of Papers and Documents, and of punishing for Contempts, and all other the Powers which by Law belong to a Court of Record, and also the Power of administering an Oath or Affirmation, as the Case may be, to any Witness appearing before them.

Committees and Judges respectively to have Powers of Courts of Record.

9. Any Person examined before any such Judicial Committee or before the Judges on Appeal therefrom, who shall wilfully give false Evidence shall be liable to the Penalties of Perjury.

Persons giving false Evidence to be liable to Penalties of Perjury.

10. It shall be lawful for any Barrister against whom any Charge or Complaint shall be made to the Benchers of the Inn of Court to which he belongs, or any Barrister or Member of any Inn of Court whose Conduct the Benchers of his Inn shall deem it necessary or expedient to inquire into, or any Person whose Call to the Bar or Admission shall be objected to as aforesaid, to require that such Charge or Complaint or Matter of Inquiry or Objection shall be heard and determined by the Judges of the said Superior Courts of Common Law instead of by a Judicial Committee elected under the Provisions of this Act; and in every such Case the Judges of the said Superior Courts of Common Law, or any Three, or if all Parties shall consent any One of them, shall hear and determine such Charge or Complaint or Matter of Inquiry or Objection, and shall have Power to pass such Judgment or make such Order and exercise all such Rights and Powers as under and by virtue of this Act belong to any such Judicial Committee.

Person charged, &c. to have the Right to have the Case brought before Judges or any Three of them, instead of Judicial Committee. or (with Consent of Parties) before One Judge.

Inns of Court.

A

BILL

To enable the Benchers of the Inns of Court to appoint Judicial Committees in certain Cases, and to give the necessary Powers to such Committees.

(*Prepared and brought in by*
Sir George Bowyer, Mr. William Ewart, and
Mr. Hennessy.)

Ordered, by The House of Commons, *to be Printed,*
11 *May* 1864.

[Bill 104.]

Under 1 *oz.*

8 *February* 1864. 27 VICT.

A

BILL

TO

Amend the Act Third and Fourth Victoria, Chapter Fifty-four, for making further Provision for the Confinement and Maintenance of Insane Prisoners.

Preamble.
3 & 4 Vict. c. 54. s. 1.

WHEREAS it is expedient to amend an Act passed in the Session of the Third and Fourth Years of Her Majesty's Reign, Chapter Fifty-four, intituled " An Act for making " further Provision for the Confinement and Maintenance of Insane " Prisoners:" Be it enacted by the Queen's most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of 3 & 4 Vict. c. 54. s. 1.

1. The First Section of the said Act of the Third and Fourth Years of Her Majesty's Reign, Chapter Fifty-four, is hereby repealed.

Prisoners becoming insane, Two Justices may inquire, with Medical Aid, respecting such Insanity.

2. If any Person while imprisoned in any Prison or other Place of Confinement under any Sentence of Death, Transportation, Penal Servitude, or Imprisonment, or under a Charge of any Offence, or for not finding Bail for good Behaviour or to keep the Peace, or to answer a Criminal Charge, or in consequence of any Summary Con-

viction

If certified to be insane, Secretary of State may grant Warrant for Removal to Lunatic Asylum.

21 & 22 Vict. c. 90.

viction or Order by any Justice or Justices of the Peace, or under any other than Civil Process, shall appear to be insane, it shall be lawful, if such Person is confined in a Prison to which Visiting Justices are appointed, for *Two* or more of the Visiting Justices of such Prison, or if such Person is in any other Place of Confinement, for *Two* or more Justices of the Peace of the County, City, Borough, or Place in which such Place of Confinement is situate, and such Visiting or other Justices are hereby required to call to their Assistance *Two* Physicians or Surgeons, or *One* Physician and *One* Surgeon, duly registered as such respectively under the Provisions of an Act passed in the Session of the Twenty-first and Twenty-second Years of Her Majesty's Reign, Chapter Ninety, and to be selected by them for that Purpose, and to inquire with their Aid as to the Insanity of such Person; and if it shall be duly certified by such Justices or any Two of them, and such Physicians or Surgeons, or such Physician and Surgeon, that such Person is insane, One of Her Majesty's Principal Secretaries of State may, upon Receipt of such Certificate, if he shall think fit, direct by Warrant under his Hand that such Person shall be removed to such Lunatic Asylum or other proper Receptacle for Insane Persons, as the said Secretary of State may judge proper and appoint; and every Person so removed under this Act, or already removed and in Custody under any former Act relating to Insane Prisoners not under Civil Process, shall remain in Confinement in such Asylum or other proper Receptacle as aforesaid, or in any other Lunatic Asylum or other proper Receptacle to which such Person may be removed by any like Warrant which the Secretary of State is hereby empowered to issue, if he shall think fit, until it shall be duly certified to the said Secretary of State by *Two* Physicians or Surgeons, or *One* Physician and *One* Surgeon, duly registered as aforesaid, that such Person is sane, and upon the Receipt of such last-mentioned Certificate the said Secretary of State is hereby authorized to issue a Warrant under his Hand directing, if the Period of Imprisonment or Custody of such Person shall have expired, that he or she shall be discharged, or if such Person shall still remain subject to be continued in Custody, that he or she shall be removed to any Prison or other Place of Confinement in which he or she may be lawfully confined: Provided, that nothing in this Act contained shall be construed to repeal the Thirty-eighth Section of the Act of the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Ninety-six, or any Part thereof.

If afterwards sane how to be dealt with.

Provisions of 3 & 4 Vict. c. 54. and of 23 & 24 Vict. c. 75. to ap-

3. All the Provisions of the first-mentioned Act which are not hereby repealed, and all the Provisions of an Act passed in the Session of the Twenty-third and Twenty-fourth Years of Her

Majesty's Reign, intituled "An Act to make better Provision for "the Custody and Care of Criminal Lunatics," shall apply to Lunatics removed under this Act in all respects as if they had been removed under the Section of the first-mentioned Act which is hereby repealed.

ply to this Act.

4. This Act shall extend to England and Wales only.

Extent of Act.

Insane Prisoners Act Amendment.

A

B I L L

To amend the Act Third and Fourth Victoria, Chapter Fifty-four, for making further Provision for the Confinement and Maintenance of Insane Prisoners.

(Prepared and brought in by
Sir George Grey, Mr. Bruce, and Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,*
8 *February* 1864.

[Bill 4.]

Under 1 *oz.*

LORDS AMENDMENTS

TO THE

INSANE PRISONERS ACT AMENDMENT BILL.

Note.—*The Page and Line refer to the Bill* (14.) *as printed by the Lords.*

Page 1.

Line 12. Leave out ("Death")

Page 2.

Line 21. After ("appoint") insert ("and if at any Time it shall " be made to appear to One of Her Majesty's Principal Secretaries of " State that there is good Reason to believe that any Prisoner in " Confinement under Sentence of Death is then insane, either by " Means of a Certificate in Writing to that Effect in the Form " given in Schedule A. transmitted to him by Two or more " of the Visiting Justices of the Prison in which such Prisoner " under Sentence of Death is confined, or by any other Means " whatsoever, such Secretary of State shall appoint Two or more " Physicians or Surgeons, duly registered as aforesaid, to inquire " as to the Insanity of such Prisoner; and if on such Inquiry " the Prisoner shall be found to be then insane, the Fact shall be " certified in Writing by such Persons to the said Secretary of " State, and on the Receipt of such Certificate the said Secretary " of State shall direct by Warrant under his Hand that such " Prisoner shall be removed to such Lunatic Asylum or other " proper Receptacle for Insane Prisoners as aforesaid")

Line 37. After ("confined") insert ("to undergo his Sentence " of Death or other Sentence, or, if not under Sentence, to be dealt " with according to Law as if no such Warrant for his Removal to " a Lunatic Asylum had been issued")

Line 41. After ("thereof") insert Clause A.

Clause A. All Prisons which now are or may hereafter be placed under the Government of the Directors of Convict Prisons by virtue of the Act of the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Thirty-nine, or of any other Act now in force or which may hereafter be passed, shall for the Purposes of this Act be deemed to be Prisons to which Visiting Justices are appointed, and the said Directors shall be deemed the Visiting

Justices

Justices thereof, and the Duties and Powers herein-before imposed upon and given to any Two or more of such Visiting Justices shall and may be performed and exercised by any One or more of such Directors.

Page 3.

Line 4. After the first ("the") insert ("First")

Lines 4. and 5. Leave out ("which is hereby repealed") and insert ("and as if the Asylum to which they were removed under "this Act were any Asylum for Criminal Lunatics to which the "Provisions of the said Act of the Twenty-third and Twenty-fourth "Years of Her Majesty's Reign were applicable")

At the End of the Bill insert Schedule A.

SCHEDULE A.

We being Visiting Justices of hereby certify under our Hands that we believe a Prisoner in the said Prison of under Sentence of Death to be now insane.

LORDS AMENDMENTS

TO THE

INSANE PRISONERS ACT AMENDMENT BILL.

Ordered, by The House of Commons, *to be Printed,*
16 *June* 1864.

[Bill 158.]

Under 1 *oz.*

15 *February* 1864. 27 Vict.

A

BILL

TO

Facilitate the Discharge of Insolvent Debtors in certain Cases.

Preamble.

WHEREAS it is expedient to make Provision for the Release and Judicial Discharge of Persons owing small Debts, and who have not any Means or Property wherewith to pay the same, nor any well-founded Expectation of being able within a reasonable Time to do so, and who have not obtained Credit or contracted such Debts by means of any false Pretence, Fraud, or Breach of Trust, or wilfully and without having had a reasonable Expectation of being able to pay or discharge the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commencement and Operation of Act.

1. This Act shall commence and take effect from and after the *First Day of September next* after the passing hereof: It shall extend and apply to, and the Powers hereby conferred shall be exercised by, the presiding Judge of every Court having Power to commit any Person to Prison upon or by reason of any Order or Judgment, wherever there shall have been recovered a Sum for Debt not exceeding *Twenty Pounds*, exclusive of Costs; and the Lord Chancellor shall have Power to direct from Time to Time, by

General Orders, the Forms to be used and the Fees to be taken upon or in respect of Proceedings under this Act, and the Application of such Fees.

Method of proceeding under this Act.

2. Whenever, upon the Examination of any Person summoned to appear before the Judge of any Court having the Powers of Commitment in the last Section mentioned and be examined touching his Estate and Effects, and Means of paying any Judgment Debt, it shall appear to the Judge that such Person has not then nor within a reasonable Time is likely to have any Money or Property of any Kind, and that, taking into consideration his Means of earning any Money, there is no well-founded Expectation of his being able, after providing for the Support of his Family, to pay and discharge his Debts within a reasonable Time out of such Earnings, the Judge may proceed to examine such Person touching all his Debts, Dealings, and Transactions, and if he shall be satisfied with such Examination shall, if he think fit, make a Preliminary Order to the Effect that upon a Day to be therein named, and within *Two Calendar Months* from the Day of the Date thereof, he will proceed to make in favour of the Person named therein (such Person herein-after called the Insolvent) a Final Order of Discharge from the Debts and Liabilities then due and owing by him, of which he shall disclose the Amounts and Names of the Creditors respectively in the meantime, unless good Cause shall be shown to the contrary.

Notice of Preliminary Order.

3. A Notice of such Preliminary Order having been made shall be put up in some conspicuous Place, open to the Public, in the Court-house or Office of the Registrar or Clerk of the Court, and shall be entered by the Registrar or other Officer of the Court in a Book to be kept for that Purpose, which shall be open to the Inspection of any Person professing to be a Creditor or the Agent of a Creditor of the Insolvent; and the Registrar or other Officer of the Court shall also, at the Request of the Insolvent, at any Time within *One Month* of the Date thereof, but not later, unless by Leave of the Judge, transmit a similar Notice by Post to every Creditor of the Insolvent with whose Name and Address he shall be supplied.

Final Order of Discharge.

4. On the Day appointed in that Behalf the Judge shall proceed to make the Final Order of Discharge, unless good Cause be shown to the contrary; and to such Order, if made, the Registrar or other Officer of the Court shall append the Name and Address of each Creditor to whom a Copy of the Preliminary Order shall have been transmitted, unless such Creditor, having previously given to the Registrar or such other Officer and to the Insolvent at least *Ten*

Days Notice in Writing of his Intention so to do, stating in such Notice the Grounds on which he relies, shall show Cause to the contrary, and the Judge shall be of opinion, that, as regards such Creditor, the Order of Discharge should not take effect; but the Judge shall have Power to refuse the Order of Discharge altogether, or to adjourn the further Examination of the Insolvent from Time to Time, and at any Time to rescind the Preliminary Order or the Order of Discharge, in whole or in part, upon being satisfied that such Order ought not to have been made.

Preliminary Order to have Effect of Order of Protection.

5. The Preliminary Order shall have the same Effect as an Order of Protection made under the Statutes relating to Bankruptcy, and the Final Order of Discharge the same Effect as the unconditional Order of Discharge of a Bankrupt under such last-mentioned Statutes, as to all the Debts and Liabilities of the Insolvent due and owing at the Date of the Preliminary Order to the Creditor who issued the Judgment Summons, and to those Creditors whose Names are appended to the Order of Discharge; and any Gift, Contract, Promise, or Agreement to or with the Creditor or any One on his Behalf, for the withholding or withdrawing of Opposition to the making of the Final Order, shall be void and of no Effect.

Act not to apply to Persons who obtained Credit under false Pretences, &c.

6. The Provisions of this Act shall not extend or apply to any Person who, in incurring the Debt or Liability which is the Subject of Inquiry by the Judge, shall appear to have obtained Credit under false Pretences, or by means of Fraud or Breach of Trust, or to have wilfully contracted such Debt or Liability without having at the same Time a reasonable Expectation of being able to pay or discharge the same, or to have since made or caused to be made any Gift, Delivery, or Transfer of his Property, or to have since charged, removed, or concealed the same, with Intent to defraud his Creditors or any of them, or to have had at the Time or since the Judgment was obtained against him sufficient Means and Ability to pay the Debt or Damages or Costs so recovered against him, and to have refused or neglected so to do.

Title of Act.

7. This Act may be cited for all Purposes as "The Small Debtors Discharge Act, 1864."

Insolvent Debtors.

A

B I L L

To facilitate the Discharge of Insolvent
Debtors in certain Cases.

(*Prepared and brought in by*
Mr. Paull, Mr. John Locke, and Mr. M‘Mahon.)

Ordered, by The House of Commons, *to be Printed,*
15 *February* 1864.

[Bill 20.]

Under 1 *oz.*

10 *March* 1864. 27 Vict.

A

B I L L

TO

Enable Owners and Occupiers of Property in certain Districts to prevent the common Sale of Intoxicating Liquors within such Districts.

Preamble.

WHEREAS the common Sale of Intoxicating Liquors is a fruitful Source of Crime, Immorality, Pauperism, Disease, Insanity, and premature Death, whereby, not only the Individuals who give way to Drinking Habits are plunged into Misery, but grievous Wrong is done to the Persons and Property of Her Majesty's Subjects at large, and the public Rates and Taxes are greatly augmented: And whereas it is right and expedient to confer upon the Ratepayers of Cities, Boroughs, Parishes, and Townships the Power to prohibit such common Sale as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Adoption of this Act.

1. At any Time from and after the *passing of this Act* it shall be lawful for   or more Ratepayers residing in any Municipal Borough or Parish, by Notice in Writing under their Hands, to require the Mayor of such Municipal Borough or the Overseers of the Poor of such Parish to take the Votes of the

the Ratepayers of such Municipal Borough or Parish respectively as to the Propriety of bringing into operation therein the Provisions of this Act; and the Mayor or Overseers as aforesaid, within *Days* of receiving such Requisition, shall cause a public Notice to be affixed on or near to the Town Hall of such Borough, and on or near to the outer and principal Door of every Church or Chapel within such Borough or Parish, and shall also cause Notice to be inserted in some Newspaper published in such Borough or Parish, or, if there be none so published, in some Newspaper published in the County in which such Borough or Parish is situate, specifying on what Day, not earlier than *Days* after the Publication of the said Notices, the Ratepayers of such Borough or Parish are required to signify their Votes for or against the Adoption of this Act.

On Requisition of Ratepayers, Notice of Time of voting to be given.

Qualification of Voters.

2. Every Person who is rated to the Relief of the Poor, or entitled to vote in the Election of Guardians of the Poor, for the Borough or Parish in which the Votes are to be taken, shall be entitled to One Vote for or against the Adoption of this Act.

Mode of voting.

3. The Mayor of such Borough or the Overseers of such Parish shall cause Voting Papers, in the Form contained in the Schedule (A.) to this Act annexed to be prepared, and shall, *Three Days* before the Day appointed for voting as aforesaid, cause One of such Papers to be delivered at the Residence of each Person entitled to vote as aforesaid; and each Voter shall upon the Voting Paper so delivered signify by Writing the Word Yes, or No, upon the said Paper, and, by signing his Name thereto, whether he votes for or against the Adoption of this Act: Provided always, that if any Voter cannot write he shall affix his Mark at the Foot of the Voting Paper in the Presence of a Witness, who shall fill up the Voting Paper in the Presence of the Voter, and shall attest and write the Name of the Voter upon the same.

Collection of Votes.

4. The Mayor of such Borough or the Overseers of such Parish shall cause the Voting Papers to be collected on the Day appointed for the voting as aforesaid, by Persons employed by them for the Purpose, as he or they shall direct; but no Voting Paper shall be received or admitted unless the same have been delivered at the Residence of the Voter as aforesaid, nor unless the same be collected by the Persons so employed for that Purpose: Provided always, that if any Person qualified to vote shall not have received a Voting Paper as aforesaid he shall, on Application, on or before the Day of voting, to the said Mayor or Overseers, be entitled to receive a Voting Paper, and to fill up and sign the same in his or their Presence,

Presence, and then and there deliver the same to him or them: Provided also, that in case any Voting Paper duly delivered shall not have been duly collected through the Default of the said Persons so employed to collect the same, the Voter in Person may deliver the same to the said Mayor or Overseers before *Twelve at Noon* on the Day following the Day of voting.

Examination of Votes, and Declaration of Result.

5. The Mayor of such Borough or the Overseers of such Parish shall, after *Twelve at Noon* on the Day immediately following the Day of voting, examine the said Votes, and shall declare, as hereafter mentioned, whether a Majority of duly qualified Votes has been given in favour of the Adoption of this Act, and the Adoption or Non-adoption of this Act within such Borough or Parish shall depend on such Majority of Votes: Provided always, that this Act shall not be adopted within such Borough or Parish unless at least *Two Thirds* of the aggregate Number of Votes so given as aforesaid be in favour thereof.

Two Thirds Majority required.

Penalties for fabricating Voting Papers.

6. If any Person fabricates, in whole or in part, or alters, defaces, destroys, abstracts, or purloins, any Voting Paper, or personates any Person entitled to vote in pursuance of this Act, or falsely assumes to act in the Name or on behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under false Pretences of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding *Three Months*, with or without Hard Labour.

Notice of the Adoption of Act and its immediate Operation.

7. The Mayor of such Borough or the Overseers of such Parish shall, if this Act be adopted as aforesaid, immediately give Notice thereof by affixing the same on or near to the Town Hall in such Borough, and to the outer and principal Doors of every Church and Chapel in such Borough or Parish, and shall immediately give Notice thereof to Her Majesty's Principal Secretary of State for the Home Department, and to the Chairman of the Board of Inland Revenue, and deliver to the Clerk to the Justices acting in and for such Borough or for the District or Division in which such Borough or Parish is situated a Certificate in Writing of the Adoption of the Act, to be by the said Clerk recorded and preserved, which Certificate, or a Copy thereof, certified by the said Clerk of the Justices, shall be conclusive Evidence in any Proceedings under or by virtue of this Act that this Act was duly adopted within the said Borough or Parish.

After Vote against the Adoption of Act, One Year to intervene before another Vote be taken.

8. If the Ratepayers of any such Borough or Parish shall determine in manner aforesaid against the Adoption of this Act, it shall not be lawful within *One Year* after such Determination again to take the Votes of the Ratepayers of such Borough or Parish as to the Propriety of bringing into operation therein the Provisions of the said Act.

Ratepayers to have Power to reconsider the Adoption of this Act.

9. If the Ratepayers of such Borough or Parish shall determine in manner aforesaid in favour of the Adoption of this Act, it shall be lawful, after the Expiration of *Three Years* from the Commencement of this Act coming into operation, for any Ratepayers of such Borough or Parish again to call upon the Mayor of the Borough or the Overseers of the Poor of the Parish again to take the Votes of the Ratepayers of the Borough or Parish, in like Manner as herein-before provided for the Adoption of this Act, and the Continuance or otherwise of the Operation of this Act within such Borough or Parish shall be determined by a Majority of the Votes so given.

Prohibition of common Sale.

10. From and after the Time limited for the *Commencement of this Act* in any Borough or Parish, as herein-before provided, no Licence whatever shall be granted or renewed for the Sale of Alcoholic Liquor within such Borough or Parish; and any Person selling or disposing of any Alcoholic Liquor within such Borough or Parish shall be dealt with as selling without Licence, and shall be subject to all the Penalties provided for such Offence under any Act or Acts of Parliament regulating the Sale of Alcoholic Liquors which may be in force at the Time of the Adoption of this Act: Provided nevertheless, that nothing herein contained shall affect any Rights or Privilege conferred or enjoyed by virtue of any Licence current or in force at the Commencement of this Act during its said Currency, and that nothing herein contained shall be held to affect any Sales made under the Provisions of any Statute permitting the Sale of Methylated Spirits for Use in the Arts and Manufactures of the United Kingdom.

Interpretation Clause.

11. In the Construction of this Act the following Words and Expressions shall have the following Meanings assigned to them respectively: "Municipal Borough" shall mean City, Borough, Burgh, or any Corporate Town; "Parish" shall mean any Parish, Township, Village, Tithing, Extra-parochial Place, or Place maintaining its own Poor; "Mayor" shall mean also Provost, High Constable, High Bailiff, Baron Bailie, or other Chief Officer of any City or Borough; "Overseers of the Poor" shall mean any

Persons authorized and required to make and collect the Rates for the Relief of the Poor, and acting as Overseers of the Poor; "Alcoholic Liqour" shall include all Spirituous Liquors, Wine, Ale, Beer, Cyder, Perry, and every Description of Intoxicating Liquors.

SCHEDULE.

FORM (A.)

Voting Paper.

An Act to enable Owners and Occupiers of Property in certain Districts to prevent the common Sale of Intoxicating Liquors within these Districts.

A Requisition signed by Ratepayers of this having been presented to me, requesting me to take the Votes of those duly qualified according to the Terms of the Act, you are hereby required to signify your Vote for or against the Adoption of this Act, thus:—

	In favour of.	Against.
Do you vote in favour of or against the Adoption of this Act in this ?	*J. S.*	

John Smith,
of 26, *High Street.*

N.B.—The Ratepayer will put his Initials under the Heading "in favour" or "against," according as he votes for or against the Adoption of the Act. He is also required to subscribe his Name and Address at full Length. If a Voter cannot write, he must make his Mark instead of Initials, but such Mark must be attested by a Witness, and such Witness must write the Initials of the Voter against his Mark. This Paper will be collected on the of between the Hours of and

Take notice.—If any Person wilfully commits any of the Acts following, that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins, any Voting Paper, or personates any Person entitled to vote in pursuance of this Act, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour.

(Signed by the Mayor or Overseer.)

Intoxicating Liquors.

A

BILL

To enable Owners and Occupiers of Property in certain Districts to prevent the common Sale of Intoxicating Liquors within such Districts.

(*Prepared and brought in by Mr. Lawson and Mr. Bazley*).

Ordered, by The House of Commons, *to be Printed,*
10 *March* 1864.

[Bill 44.]

Under 1 *oz.*

Ionian States Acts of Parliament Repeal.

ARRANGEMENT OF CLAUSES.

Preamble. Repeal of Act 20 Vict. c. 41. Existing Commissions kept alive; Sect. 1, 2.

Holders of Commissions may be promoted; 3.

Repeal of Act 23 & 24 Vict. c. 86.; 4.

Marriages contracted in the Ionian Islands before passing of said Act to be valid; 5.

Marriages contracted under repealed Act or Ionian Law to be valid; 6.

Copy of Marriage Registry to be Evidence; 7.

Register Book to be sent to Registrar General; 8.

Copies to be kept by Registrar General, who shall allow Searches to be made, and give certified Copies; 9.

Such Copies to be Evidence; 10.

As to Marriages procured by false Notices, Declarations, &c., Penalty; 11.

False Notice, &c. punishable as Perjury; 12.

Preamble. Oaths, &c. made before Secretaries and Residents;

Acts of Secretaries and Residents valid; 13.

Affidavits to be used in United Kingdom; 14.

Documents to be Evidence; 15.

Counterfeit of Signature to be Felony; 16.

Interpretation of certain Terms; 17.

A

BILL

TO

Repeal and in part to re-enact certain Acts of Parliament relating to the Ionian States, and to establish the Validity of certain Things done in the said States.

WHEREAS in consequence of the Relinquishment by Her Majesty of Her Majesty's Protectorate over the United States of the Ionian Islands, it has been expedient to repeal certain Acts of Parliament relating to the said States, and to make Provision respecting certain Matters and Things done therein: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. An Act of Parliament passed in the Twentieth Year of Her Majesty, Chapter Four, intituled "An Act to enable the Subjects "of the Ionian States to hold Military and Naval Commissions "under the Crown," shall be and the same is hereby repealed. Repeal of 20 Vict. c. 4.

2. Nothing herein contained shall invalidate any Commission heretofore granted under Authority of the said Act. Existing Commissions kept alive.

Holders of such Commissions may receive Promotion.

3. It shall be lawful for Her Majesty to grant to the Holder of any such Commission such further Commission or Commissions to serve as Officer in Her Majesty's Forces, by Land or by Sea, other than the respective Militias of England, Scotland, and Ireland, as to Her Majesty shall from Time to Time seem fit; and all the aforesaid Commissions, and the Service thereunder, shall be as lawful as if the Holders thereof were natural-born Subjects of Her Majesty.

Repeal of 23 & 24 Vict. c. 86.

4. An Act of Parliament of the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter Eighty-six, intituled "An "Act to make Provision respecting the Marriages of British "Subjects in the Ionian Islands," shall be and the same is hereby repealed.

Marriages contracted in the Ionian Islands before passing of said Act to be valid.

5. All Marriages between Subjects of Her Majesty, or to which any such Subject shall have been Party, contracted in the said Islands before the passing of the said last-recited Act, under Authority of any Warrant, Licence, or other written Permission of the Lord High Commissioner of the said Islands, at whatever Hour, in whatever Place, or by whatever Ceremony the same may have been solemnized, shall be deemed to have been as valid in Law, and shall be cognizable in like Manner, as if the same had been solemnized within Her Majesty's Dominions with a due Observance of all Forms required by the Law: Provided always, that this Enactment shall not extend to render valid any Marriage which before the passing of the said Act had been declared invalid by any Court of competent Jurisdiction, or any Right dependent on the Validity or Invalidity thereof, or any Marriage where either of the Parties has afterwards during the Life of the other lawfully intermarried with any other Person.

Marriages contracted under repealed Act or Ionian Law to be valid.

6. Nothing herein or in the said Act contained shall be construed to render invalid any Marriage heretofore solemnized within the said Islands which Marriage was valid according to the Laws of the said Islands, nor shall any Marriage solemnized under Authority of the said Act be invalidated by the Repeal of the same.

Copy of Marriage Registry to be Evidence.

And whereas it was provided by the said Act that a Certificate of every Marriage solemnized under the Provisions thereof should be signed in Triplicate in manner therein mentioned, and that Two Copies of such Certificate should be transmitted to the Lord High Commissioner, and should be registered in such Manner as he should appoint: Be it further enacted as follows:—

7. A Copy of such Registry purporting to be certified under the Signature and Official Seal of the Secretary of the Lord High

Commissioner shall be received as Evidence in the Law of the Marriage to which it relates, without Proof of such Signature or Seal being the Signature or Seal of such Secretary, or of the Official Character of such Secretary.

Register Book to be sent to Registrar General.

8. The Register Book kept by the Lord High Commissioner shall be transmitted to the Registrar General.

Copies to be kept by Registrar General, who shall allow Searches to be made, and give certified Copies.

9. The Registrar General shall cause an Index of all the Entries in the said Register Book to be made and kept in the General Register Office; and every Person shall be entitled, on Payment of the Fees herein-after mentioned, to search the said Index, between the Hours of Ten in the Morning and Four in the Afternoon of every Day except Sundays, Christmas Day, and Good Friday, and to have a certified Copy of any Entry in the Register Book, and for every Search of the said Index shall be paid the Sum of *One Shilling*, and for every such certified Copy the Sum of *Two Shillings and Sixpence*, and no more, shall be paid to the Registrar General, or such other Officer as shall be appointed for that Purpose on his Account, in addition to the Stamp Duty of One Penny imposed by an Act of the Twenty-third and Twenty-fourth Year of Her Majesty, Chapter Fifteen.

Such Copies to be Evidence.

10. The Registrar General shall cause to be sealed or stamped with the Seal of the General Register Office all such certified Copies of Marriage Entries given in the said Office; and such Copy stamped with the Seal of the said Register Office shall be received as Evidence of the Marriage to which the same relates, without any further or other Proof of such Entry; and no certified Copy, purporting to be given in the said Office, shall be of any Force or Effect which is not sealed or stamped as aforesaid.

As to Marriages procured by false Notices, Declarations, &c.

11. If any Marriage shall have been had under the Provisions of the last-recited Act by means of any wilfully false Notice, Oath, Affirmation, or Declaration made by either Party to such Marriage as to any Matter in respect to which a Notice, Oath, Affirmation, or Declaration is required by the said Act, or by any Regulations made by the Lord High Commissioner under Authority of the said Act, it shall be lawful for Her Majesty's Attorney General or Solicitor General to sue for the Forfeiture of all Estate and Interest in any Property accruing to the offending Party by such Marriage, and the Proceedings thereupon and the Consequences thereof shall be the same as are provided by Law in the like Case with regard to Marriages solemnized by Licence in England according to the Rites of the Church of England.

Penalty.

False Notice, &c. punishable as Perjury.

12. Any Person who, for the Purpose of procuring, preventing, or delaying any Marriage, shall knowingly and wilfully have made or signed any false Oath, Affirmation, Declaration, or Notice authorized or required by the said Act, or by any such Regulations as aforesaid, shall suffer the Penalties of Perjury; and any Person who shall forge or counterfeit any such Signature or Seal as in the Seventh Section of this Act is mentioned, or shall tender in Evidence any such Copy as in the said Section is mentioned with a false or counterfeit Seal or Signature thereto, knowing the same to be false or counterfeit, shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of *Four Years*, or to be imprisoned, with or without Hard Labour, for any Term not exceeding *Three Years* nor less than *One Year;* and any such Offender as aforesaid may be tried in any County or Place in the United Kingdom, in the same Manner, and be dealt with in all respects, as if the Offence had been committed in such County or Place.

And whereas during the Continuance of Her Majesty's Protectorate over the said United States divers Oaths, Affidavits, and Affirmations have been made, and divers Notarial Acts done, before or by the Secretary and Residents of the Lord High Commissioner of the said States: And whereas Doubts are entertained respecting the Sufficiency or Validity of the said Oaths, Affidavits, Affirmations, and Notarial Acts; and it is expedient that such Doubts should be removed: Be it further enacted as follows:

Acts of Secretaries and Residents to be valid.

13. Every such Secretary or Resident as aforesaid shall be deemed to have had during the Tenure of his Office full Power and Authority to administer to any Person whomsoever in the said States any Oath or to take any Affidavit or Affirmation from any such Person, and also to do and perform in the said States all and every Notarial Acts or Act which any Notary Public is by Law empowered to do within the United Kingdom of Great Britain and Ireland; and every such Oath, Affidavit, or Affirmation, and every such Notarial Act, administered, sworn, affirmed, or done by or before such Secretary or Resident, shall be as good, valid, and effectual, and shall be of like Force and Effect, to all Intents and Purposes, as if such Oath, Affidavit, or Affirmation, or Notarial Act respectively, had been administered, sworn, affirmed, or done by or before any Justice of the Peace or Notary Public in any Part of the United Kingdom of Great Britain or Ireland, or by or before any other legal or competent Authority of the like Nature.

Affidavits may be used in Courts in

14. Affidavits or Affirmations so taken as aforesaid shall and may be received, read, and made use of in and before any Court of Law or Equity or other Judicature whatever in any Part of the United Kingdom, or any Consular Court of Her Majesty, and the Judges and Officers thereof, in or in relation to any Action, Suit, Cause, Matter, or Proceeding in or before any such Court or Judicature, in like Manner, and shall be of the same Force and Effect, as Affidavits and Affirmations taken in or before such Court or Judicature, or by any Person duly commissioned or authorized by such Court or Judicature to take such Affidavits or Affirmations, and shall be filed and dealt with accordingly.

the United Kingdom.

Documents to be admitted in Evidence without Proof of Signature.

15. Any Document purporting to have subscribed thereto the Signature of any such Secretary or Resident, in testimony of any such Oath, Affidavit, Affirmation, or Act having been administered, sworn, affirmed, had, or done by or before him, shall be admitted in Evidence, without Proof of any such Signature being the Signature of such Secretary or Resident, or of the official Character of such Secretary or Resident.

Persons forging Signature guilty of Felony.

16. If any Person shall forge any such Signature as last aforesaid, or shall tender in Evidence any such Document as aforesaid with a counterfeit Signature thereto, knowing the same to be counterfeit, he shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of *Four Years*, or to be imprisoned, with or without Hard Labour, for any Term not exceeding *Three Years* nor less than *One Year;* and whenever any such Document has been admitted in Evidence by virtue of this Act, the Court or the Person who has admitted the same may, at the Request of any Party against whom the same is so admitted in Evidence, direct that the same shall be impounded and be kept in the Custody of some Officer of the Court or other proper Person for such Period, and subject to such Conditions, as to the said Court or Person shall seem meet; and every Person charged with committing any such Felony as last aforesaid may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed, in the County, District, or Place in which he may be apprehended or be in Custody; and every Accessory before or after the Fact to any such Offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence laid and charged to have been committed, in any County, District, or Place in which the principal Offender may be tried.

Interpretation of certain Acts.

17. The Terms "Lord High Commissioner," "Secretary to the Lord High Commissioner," and "Resident of the Lord High Commissioner," shall in the Construction of this Act include respectively any Person lawfully acting in any of the above Capacities.

Ionian States Acts of Parliament Repeal.

A

BILL

To repeal and in part to re-enact certain Acts of Parliament relating to the Ionian States, and to establish the Validity of certain Things done in the said States.

(Prepared and brought in by
Mr. Chichester Fortescue and Mr. Secretary Cardwell.)

Ordered, by The House of Commons, *to be Printed,*
7 *July* 1864.

[Bill 197.]

Under 1 *oz.*

A

B I L L

FOR

Amending the Isle of Man Harbours Act, 1863.

Preamble.

WHEREAS it is expedient to make further Provision with respect to the Improvement of the Harbour of Port Erin in the Isle of Man: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Conditions on which Dues may be levied.

1. The Conditions contained in the Second Section of the Isle of Man Harbours Act, 1863, shall be deemed to have been complied with so soon as the Pier or Piers to be constructed in pursuance of that Act shall have been constructed and carried out of the Lengths therein mentioned, notwithstanding that such Pier or Piers may not be continuous.

Whereas it is intended that under the Provisions of the said recited Act a Sum of Fifty-eight thousand two hundred Pounds shall be advanced by the Public Works Loan Commissioners by way of Loan to the Harbour Commissioners of the Isle of Man, for the Purposes of the Works authorized by the said recited Act, on the Security of the Dues leviable under the said recited Act, and on the collateral Security of such Payments, out of the surplus Customs Revenue of the Isle of Man, as are herein-after mentioned, and it is expedient to give effect to such Intention :

Deficiency of Dues to repay Instalments of Loan to be charged on Surplus Customs Revenue, to Extent of 1,600*l.* annually.

2. *Be it enacted, That if there shall be any Deficiency in the Dues which will be payable in respect of the Works proposed to be erected at Port Erin by the Application of the said Loan to meet the Claims of the said Public Works Loans Commissioners to Repayment as such Claims fall due, then the Amount so deficient, to an Extent not exceeding One thousand six hundred Pounds in any One Year, shall be charged and paid out of any surplus Customs Revenue of the Isle of Man, if there shall be any Surplus applicable thereto, after providing for all existing Charges upon such Revenue, and before any Charges of a new and distinct Character are imposed thereon ; and if when the said proposed Works shall be completed it shall be found that the Harbour Dues and other Monies received and applicable to Payments to be made to the said Commissioners are more than sufficient to provide for such annual Payments as they shall fall due, the Balance, after providing for such Payments, shall be applied yearly to repay any Monies which shall have been advanced out of the said Surplus of Customs Revenues under the Authority of this Act, with Interest thereon at the Rate of Three and a Quarter per Cent. from the Time of the Advance to the Time of Repayment.*

Short Title.

3. This Act may be cited as "The Isle of Man Harbours Amendment Act, 1864."

Isle of Man Harbours Act Amendment.

A

BILL

For amending the Isle of Man Harbours
Act, 1863.

(Prepared and brought in by
Mr. Milner Gibson and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed,*
30 *June* 1864.

[Bill 185.]

Under 1 *oz.*

15 *March* 1864. 27 Vict.

A

B I L L

TO

Amend the Constitution, Practice, and Procedure of the Court of the Island of Jersey.

Preamble.

WHEREAS it is expedient to make more effectual Provision for the Administration of Justice in the Island of Jersey, and to amend the Constitution, Practice, and Forms of Procedure of the Royal Court of the said Island, but the same cannot be effectually done without the Authority of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Judicial Functions of Jurats to cease.

1. From and after the Time when this Act shall come into operation the Jurats of the Royal Court shall cease to exercise Judicial Functions in the said Court, in the Court for the Recovery of Debts not exceeding Ten Pounds, and in the Police Court for minor Criminal Offences, or any or either of such Courts: Provided always, that nothing herein contained shall affect the Election, Powers, or Functions of the said Jurats as Members of the States of the said Island of Jersey, or as Administrators of the Impôt.

Royal Court to consist of Chief Judge and Two Puisne Judges. Bailiff to be Chief Judge.

2. The said Royal Court shall consist of a Chief Judge and Two Puisne Judges. The Bailiff of the said Island of Jersey for the Time being shall virtute officii be the Chief Judge of the said Court, and the said Bailiff and Puisne Judges shall from Time to Time respectively be appointed by Her Majesty, Her Heirs and Successors, by Letters Patent, and hold their Offices respectively during good Behaviour.

By whom Duties of Small Debts Court and Police Court for minor Criminal Offences to be discharged.

3. All the Jurisdiction, Functions, Powers, and Authorities now lawfully vested in and exercised by the Court for the Recovery of Debts not exceeding *Ten Pounds*, and the Police Court for minor Criminal Offences, shall be exercised and discharged by One of the Judges of the said Royal Court.

Oath of Judges.

4. Each of the said Judges before he shall enter upon the Duties of his Office shall take an Oath for the due and faithful Performance thereof, such Oath to be taken in such Manner and Form as Her Majesty by any Order or Orders in Council shall be pleased to direct.

Causes, &c. to be dealt with, and Acts, &c. of Royal Court to be enforced, by the Court as newly constituted.

5. All Causes, Suits, and other Proceedings which at the Time when this Act comes into operation shall be pending in the said Royal Court shall be dealt with and decided by the said Court as hereby newly constituted. Any Act or Order of the said Royal Court which shall have been made before this Act comes into operation and shall be then in force, in any Cause, Matter, or Proceeding, Civil or Criminal, may be enforced or otherwise dealt with by the said Court as hereby newly constituted in the same Way as if it had been originally made by the said last-mentioned Court.

Functions of either of said Judges sitting alone.

6. It shall be lawful and competent for either of the said Three Judges of the said Court sitting alone to exercise all the Powers and Functions now lawfully exercised by the Bailiff of the said Island sitting alone or by the said Bailiff and the inferior Number of Jurats of the said Royal Court.

Functions of the Three Judges as a Court of primary Jurisdiction or Court of Appeal.

7. It shall be lawful and competent for the said Three Judges, sitting together either as a Court of primary Jurisdiction or as a Court of Appeal, to exercise all the Powers and Functions now lawfully exercised by the Bailiff of the said Island and the greater Number of the Jurats of the said Royal Court.

Attendance of Crown Officers as

8. The Presence of the Crown Officers or One of them shall no longer be necessary to form or constitute a Court, or to enable the essential Part of the Court dispensed with.

the said Royal Court as hereby newly constituted to enter upon and discharge its Functions from Day to Day, except so far as the Attendance of the said Crown Officers may be requisite in Criminal Proceedings and in Cases in which they are engaged as Advocates.

Appeals to the Privy Council.

9. Appeals shall lie from the Judgments, Orders, and Decisions of the said Three Judges sitting together, either as a Court of primary Jurisdiction or as a Court of Appeal, to Her Majesty, Her Heirs and Successors, in Council, in all Cases in which Appeals now lie from the Judgments, Orders, and Decisions of the said Royal Court to Her Majesty in Council, and subject to the Rules and Regulations of the Privy Council and the said Royal Court now in force concerning such Appeals.

Salaries, &c. of Judges to be fixed by Orders in Council.

10. Such Addition, if any, as Her Majesty, Her Heirs and Successors, may be pleased to make to the Emoluments or Salary of the Bailiff of the said Island for the Time being, and the Amount of the Salaries to be paid to any future Chief Judge and the said Two Puisne Judges of the said Court respectively, and their Successors, shall be fixed and declared by Order or Orders of Her Majesty, Her Heirs and Successors, in Council; and it shall be lawful for Her Majesty, Her Heirs and Successors, by Order or Orders in Council, to direct that such additional Emoluments and the said Salaries shall be paid and payable as herein-after mentioned.

Officers of Royal Court to have like Offices and Functions in the Supreme Court.

11. Her Majesty's Procureur General and Advocate General for the said Island of Jersey, and the Vicomte of the said Island and his Deputy, the Greffier of the said Royal Court, the Registrar of Contracts, the Two Denunciators, and the minor ministerial Officers of the said Royal Court, shall, except as in this Act mentioned, have and exercise the same Offices and Functions in the said Court hereby newly constituted as they have heretofore lawfully had and exercised in the said Royal Court, and shall during their Lives or Continuance in Office respectively be entitled to have, receive, and take, for their own Use and Benefit, the like Salaries, Fees, Perquisites, and Emoluments as they have respectively been heretofore lawfully entitled to have, receive, and take.

Chief Judge to appoint to future Vacancies in ministerial Offices.

12. In the Case of future Vacancies in the Offices of Greffier, Registrar of Contracts, Denunciators, or the minor ministerial or executive Officers of the said Court respectively, the Chief Judge of the said Court for the Time being shall nominate and appoint some proper Person or Persons to fill such Offices.

In case of future Vacancies, Officers to be appointed to be paid by Salaries in lieu of Fees.

13. From and after the Decease, Resignation, or Removal from Office of the present Vicomte, Deputy Vicomte, Greffier, Registrar of Contracts, Denunciators, and the minor ministerial or executive Officers of the said Court respectively, the Persons to be appointed to the said Offices so left vacant respectively shall thenceforward be paid fixed Salaries in lieu of Fees or other Emoluments, and the Amounts of such Salaries respectively shall be fixed and declared by Order or Orders of Her Majesty, Her Heirs and Successors, in Council.

Compensation to Jurat.

14. By way of Compensation to the Jurat who at the Time when this Act shall come into operation shall preside in the said Court for the Recovery of Debts not exceeding Ten Pounds, and the Police Court for minor Criminal Offences, such Jurat shall be entitled to receive annually during his Life the average annual Amount received by him as presiding Judge of the said last-mentioned Courts for Fees since the Time when he was appointed to preside in the said last-mentioned Courts, the Amount of such Compensation to be fixed and declared by Order of Her Majesty, Her Heirs and Successors, in Council, and to be paid as herein-after mentioned.

How Salaries of Judges and Officers are to be paid.

15. It shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, by Order or Orders in Council, to direct that such Addition, if any, as Her Majesty, Her Heirs and Successors, may be pleased to make to the Emoluments or Salary of the Bailiff of the said Island for the Time being, and the Salary of any future Chief Judge, and the Salaries to be paid to the said Two Puisne Judges, and those to be paid in lieu of Fees to any Persons hereafter appointed to the Offices of Vicomte, Greffier, Registrar of Contracts, Denunciators, or the minor ministerial or executive Officers of the said Court respectively, and the Amount of Compensation to be paid to the said Jurat presiding in the Court for Recovery of Debts not exceeding Ten Pounds, and the Police Court for minor Criminal Offences, shall be paid and payable out of the several Funds herein-after mentioned, or any or either of such Funds; that is to say,

1st. The Fee Fund to be constituted and established as herein-after mentioned:

2dly. *So much of the Crown Revenues of the said Island as shall not be required for the several public Purposes in the said Island for which the said Revenues are now properly applied or applicable:*

3dly. *So much of the Duties granted by Her Majesty upon Brandy, Rum, Gin, and Wines imported into the said Island*

Island as shall not be required for the several public Purposes in the said Island for which the said Duties are now lawfully applied:

4thly. *From any Fines payable to Her Majesty in the said Island.*

Court may order Use of Language most conducive to Justice.

16. The said Supreme Court, or any Judge thereof sitting alone, shall have full Power to allow in any Part of a Cause or other Proceeding pending in such Court the Use of such Language as the said Court or Judge may deem most conducive to the Attainment of Justice. The Plaintiff or Defendant in any Cause or other Proceeding pending in the said Court may claim as of Right and shall be entitled to have any legal Instruments or Documents produced in such Cause or other Proceeding, and the Evidence in such Cause or other Proceeding interpreted vivâ voce, in such Language and Manner as the said Court or any Judge thereof may from Time to Time direct.

Parties may claim Interpretation of legal Documents, &c.

Royal Court to have Power to make Rules for regulating Practice, &c.; and Scale of Fees subject to Approval of Her Majesty in Council.

17. It shall be lawful for the said Three Judges of the said Royal Court to make General Rules and Orders for amending and regulating the Practice and Procedure of the said Court, for the Distribution of Business between the Judges of the said Court, and for the Management, Custody, and Application of the Fee Fund herein-after mentioned, and to frame a Scale or Scales of Fees to be paid by the Parties to Actions or other Proceedings in the said Court, upon or in respect of the several Stages or Processes in such Actions or Proceedings, such Rules and Orders and Scale or Scales of Fees to be laid before Her Majesty in Council for Approval and Confirmation. Such last-mentioned Rules or Orders and Scale or Scales of Fees shall not come into effect or operation until the same shall respectively be approved and ratified by Order or Orders of Her Majesty in Council, nor until such Time or Times as Her Majesty, by Order or Orders in Council, shall direct.

Affidavit necessary to hold to Bail.

18. After the Time when this Act shall come into operation no Person shall be arrested or held to Bail on Mesne Process in a Civil Suit without an Order of the Court or of One of the Judges thereof, and which Order shall be founded upon an Affidavit which shall state the Cause of Action, the Amount of the Debt or other Demand claimed, that the same is still due and unsatisfied, and such further Facts as shall show a probable Cause for believing that the Defendant is likely to quit the Island, and that the Debt or Demand will probably be lost if he be not forthwith arrested.

Fees on legal Proceedings to constitute a General Fund. Custody, &c. of such Fund to be regulated by Orders of the Royal Court, and applied in Payment of Salaries of Judges, &c.

19. The Fees to be paid by the Parties to Actions or other Proceedings in the said Court upon or in respect of the several Stages or Processes in such Actions or Proceedings, and to be fixed and regulated as herein-before mentioned, except those now payable to the present Bailiff and the several Officers of the Royal Court respectively, shall be paid into a General Fund, to be called "The Fee Fund," and the Management and Custody of such Fund shall be regulated by such Rules and Orders as shall be made by the said Royal Court, and confirmed by Her Majesty in Council as herein-before mentioned; and the said Fund shall be applicable and applied in Payment of the Salaries of the Judges or other Officers of the said Court, and the Amount of Compensation to be paid to the Jurat, as herein-before mentioned, as Her Majesty, Her Heirs and Successors, shall from Time to Time, by Order or Orders in Council, direct.

Her Majesty, by Orders in Council, to be at liberty to carry into operation other Recommendations of the Commissioners.

20. It shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, by Order or Orders in Council, to carry into operation and effect such of the several Recommendations and Suggestions of the said Commissioners for inquiring into the Criminal Laws in force in the Channel Islands, and of the said Commissioners for inquiring into the Civil, Municipal, and Ecclesiastical Laws of Jersey, so far as the same relate to or concern Practice and Procedure of the Royal Court of Jersey, as have not been heretofore or are not hereby carried into operation and effect: Provided always, that nothing herein contained shall in anywise be deemed or taken as prejudicing or affecting the Right of Her Majesty, Her Heirs and Successors, by Orders in Council, to legislate for the said Island of Jersey on such Matters as may be within the Competency of Her Majesty in Council, without the Sanction or Authority of Parliament.

Time of Act coming into operation.

21. This Act shall come into operation on the *First Day of January One thousand eight hundred and sixty-five.*

Jersey Court.

A

B I L L

To amend the Constitution, Practice, and Procedure of the Court of the Island of Jersey.

(Prepared and brought in by
Mr. Locke, Mr. Hadfield, and Mr. Ayrton.)

Ordered, by The House of Commons, *to be Printed,*
15 *March* 1864.

[Bill 48.]

Under 1 *oz.*

2 *May* 1864. 27 Vict.

A

BILL

INTITULED

An Act to enable Joint Stock Companies carrying on Business in Foreign Countries to have Official Seals to be used in such Countries.

Preamble.

WHEREAS there have been and may be established in the United Kingdom Companies whose Business is to be carried on in Countries not situate in the United Kingdom, and it is convenient and desirable that Investments may be made, and Mortgages, Conveyances, and Leases taken, and Contracts and Engagements entered into, on behalf of the Company, in such Countries, in the Name of the Company: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Companies Seals Act, 1864."

Power for Companies to have an Official Seal.

2. Any Company, under "The Companies Act, 1862," whose Objects require or comprise the Transaction of Business, as herein-before mentioned, in Foreign Countries, may cause to be prepared an Official Seal for and to be used in any Place, District, or Territory situate out of the United Kingdom in which the Business of the Company shall be carried on, and every such Official Seal may and shall be a Fac simile of or as nearly as practicable a Fac simile of the Common Seal of the Company, with the Exception that on the Face thereof shall be inscribed the Name of each and every Place, District, or Territory in and for which it is to be used: Provided that it shall be lawful for any such Company as aforesaid from Time to Time to break up and renew any Official Seal or Seals, and to vary the Limits within which it is intended to be used.

Companies may appoint Agents abroad to affix Seals.

3. Every Company having or using any such Official Seal as is authorized by this Act may from Time to Time, by any Instrument or Instruments in Writing under the Common Seal of the Company, empower any Agent or Agents specially appointed for the Purpose, or any local Agent, Board, Committee, Manager, or Commissioner appointed under the Provisions of the Articles of Association of such Company, in any Place, District, or Territory situate out of the United Kingdom where the Business of the Company shall for the Time being be carried on, to affix such Official Seal to any Deed, Contract, or other Instrument to which the Company is or shall be made a Party in such Place, District, or Territory, and no other Order of the Company or the Board of Directors thereof shall be necessary to authorize any such Seal to be affixed to any Deed, Contract, or other Instrument.

Duration of Power granted under last Section.

4. Every Power granted under the last preceding Section shall, as between the Company, their Successors and Assigns, on the one hand, and the Person or Persons dealing with the Agent or Agents, Board, Committee, Manager, or Commissioner named in the Instrument conferring the Power, and all Parties claiming through or under such Person or Persons, on the other hand, continue in force during the Period, if any, mentioned in the Instrument conferring the Power, or if no Power be there mentioned then until Notice of the Revocation or Determination of the Power shall have been given to such Person or Persons as aforesaid.

Signature of Person affixing Seal to be written on Document.

5. Whenever any such Official Seal as aforesaid shall be affixed to any Document, the Person affixing the same shall, by Writing under his Hand, and written on the Document to which the Seal may have been affixed, certify the Date when and the Place where the same was affixed; and any Document to which any such Seal shall have been duly affixed within the District or Territory or Place the Name whereof is inscribed on such Seal shall bind the Company in the same Way and to the same Extent and have the same Force and Effect as if it had been duly sealed with the Common Seal of the Company.

Companies not to exercise Powers of Act unless authorized.

6. The Powers given by this Act shall be exercised by such Companies only as are or shall be expressly authorized to exercise the same by their Articles of Association, or a special Resolution passed according to the Provisions of "The Companies Act, 1862," and shall be exercised by such Companies subject to any Directions or Restrictions in their Articles of Association or the special Resolutions contained.

Section 55. of Companies Act, 1862, not repealed.

7. Nothing in this Act contained shall operate to repeal the Provisions of the Fifty-fifth Section of "The Companies Act, 1862," but such Section shall continue in force, and all Acts done or to be done thereunder shall be as valid and effectual as if this Act had not been passed.

Joint Stock Companies (Foreign Countries).

A

B I L L

INTITULED

An Act to enable Joint Stock Companies carrying on Business in Foreign Countries to have Official Seals to be used in such Countries.

(*Brought from the Lords* 29 *April* 1864.)

Ordered, by The House of Commons, *to be Printed,*
2 *May* 1864.

[Bill 87.]

Under 1 *oz.*

13 *April* 1864. 27 VICT.

A

BILL

TO

Afford Shareholders in Joint Stock Companies Facilities for voting by means of Voting Papers.

Preamble.

WHEREAS it is expedient that greater Facilities should be afforded to Shareholders in Joint Stock Companies, for voting at Public Meetings of such Companies: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Manner of voting.

1. It shall be lawful for any Shareholder in a Joint Stock Company, in lieu of voting in Person or by Proxy, to nominate any other duly qualified Shareholder of the Company to deliver for him at the Poll a Voting Paper containing the Vote or Votes to which he may be entitled; and such nominated Shareholder shall be duly authorized to deliver such Voting Paper at the Poll.

Every such Voting Paper shall bear Date after the Meeting of the Company at which the Poll shall have been demanded, and shall contain the Name or Names of the Shareholder or Shareholders nominated under the Hand of the Shareholder so voting to deliver such Voting Paper at the Poll, (or if the Shareholder be a Corporation, then under their Common Seal,) and shall be according to the Form or to the Effect prescribed in the Schedule to this Act annexed; and every such Voting Paper so delivered as aforesaid at the Poll shall be received by the proper Officers as containing the Vote or Votes given by the Shareholders so voting: Provided always, that such Officers may require proper Proof that the Person delivering the Voting Paper be a duly qualified Shareholder in the Company.

Circular with Voting Papers to be sent to Shareholders.

2. When a Poll shall have been demanded at any Public Meeting of a Company the Meeting shall be adjourned for such Time, not less than *Seven* nor more than *Fourteen Days*, as the Meeting shall determine for the Purpose of declaring the Poll; and the Secretary of the Company shall deliver or send by Post to every Shareholder of the Company a Circular, stating every Motion and Amendment upon which the Poll is demanded, and the Names of the Movers and Seconders thereof, and the Day to which the Meeting is adjourned, and no more, addressed to the Shareholder at his registered Address, and sent by Post to or delivered at the Address, not less than *Six Days* before the Day for holding the adjourned Meeting, during which Days the Poll shall be kept open, enclosing a Blank unstamped Voting Paper, with proper Instructions for the Use of the same; and the Funds of the Company shall not be used for stamping any Voting Paper, unless the Meeting so determine, in which Case a blank stamped Voting Paper shall be sent with the Instructions.

Penalty against Fraud.

3. Any Person falsely or fraudulently signing any Voting Paper in the Name of any other Person, and every Person tendering, transmitting, or delivering as genuine any false or falsified Voting Paper, knowing the same to be false or falsified, and any Person with fraudulent Intent altering, defacing, destroying, withholding, or abstracting any Voting Paper, and any Person wilfully making a false Answer to any Question put to him by the Returning or other Officer, shall be guilty of a Misdemeanor, and punishable by Fine or Imprisonment, for a Term not exceeding *Three Months.*

Voting Paper to revoke Proxy.

4. A Voting Paper duly signed and delivered at the Poll shall revoke a Proxy Paper previously given by a Shareholder, and every Proxy Paper shall be accompanied by a Notice that it may be so revoked.

Stamp on Proxy Paper not to be paid out of

5. After *the passing of this Act* the Funds of the Company shall not be used for stamping any Proxy Paper, unless a Meeting of the Company shall have so determined, in which Case a blank stamped

Proxy Paper shall be sent out, with the proper Instructions; nor shall the Funds of the Company be used for paying the Stamp for the Postage of any Envelope sent out to frank the Return of any Proxy or Voting Paper, unless a Meeting of the Company shall so determine.

the Funds of the Company.

6. The Directors of any Joint Stock Company shall provide proper and suitable Means for taking a Division of the Shareholders present at any Public Meeting of the Company, and Tellers shall be chosen by the Shareholders for the Purpose of counting the Votes. The Doors of the Room in which the Votes are taken shall be locked previously to the taking the Division, and any Person, not being a duly qualified Shareholder or an Officer of the Company, wilfully remaining in the Room and voting in the Division, shall be guilty of a Misdemeanor, and punishable by Fine or Imprisonment for a Term not exceeding *One Month.*

Tellers appointed and Strangers excluded at a Division.

7. *Every Voting Paper shall be liable to the same Stamp Duty as that which may now or at any Time be imposed on a Proxy Paper, and the Stamp required to be affixed to or impressed on a Proxy or Voting Paper may be a Draft and Receipt Stamp.*

Stamp Duty on Voting Paper.

8. This Act shall be read and have effect as Part of the Companies Clauses Consolidation Act, 1845, (Eight and Nine Victoria, Chapter Sixteen), and this Act may for all Purposes be cited as "Companies Voting Act, 1864."

This Act and 8 & 9 Vict. c. 16. to be construed together.

SCHE-

SCHEDULE.

I, of One of the Shareholders of the Company, do hereby declare that I give every Vote to which I am entitled in favour of the [" Motion made by *A. B.* and seconded by *C. D.*," or " Amendment moved by *E. F.* and seconded by *G. H.*"] which was made or moved at the Meeting of the Company held on the Day of 18 , (and so of any other Motion or Amendment), and I do hereby nominate

A. B.,
C. D.,
or *E. G.*,

being Shareholders duly qualified in the aforesaid Company, or One of them, to deliver this Voting Paper at the Poll on my Behalf.

Witness my Hand (*or, if a Corporation, then* the Common Seal of the Corporation), this Day of 18 .

Signature of Shareholder

Address

Joint Stock Companies (Voting Papers).

A

BILL

To afford Shareholders in Joint Stock Companies Facilities for voting by means of Voting Papers.

(Prepared and brought in by Mr. Darby Griffith, Mr. Hadfield, and Mr. Vance.)

Ordered, by The House of Commons, *to be Printed,* 13 *April* 1864.

[Bill 62.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Afford Shareholders in Joint Stock Companies Facilities for voting by means of Voting Papers.

WHEREAS it is expedient that greater Facilities should be afforded to Shareholders in Joint Stock Companies incorporated by special Act of Parliament, and regulated by the Provisions of the "Companies Clauses Consolidation Act, 1845," for voting at Public Meetings of such Companies: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. It shall be lawful for any Shareholder in any such Company, in lieu of voting in Person or by Proxy, to nominate any other duly qualified Shareholder of the Company to deliver for him at any Meeting of the Company, or at the Poll, a Voting Paper, according to the Form or to the Effect prescribed in the Schedule to this Act annexed, containing the Vote or Votes to which he may be entitled. Such nominated Shareholder shall be duly authorized and required to deliver such Voting Paper at the Meeting or at the Poll, and such Voting Paper so delivered Manner of voting.

shall be received by the proper Officers of the Company, as containing and tendering the Vote or Votes given by the Shareholder so voting.

Penalty against Fraud.

2. Any Person falsely or fraudulently signing any Voting Paper in the Name of any other Person, and every Person tendering, transmitting, or delivering as genuine any false or falsified Voting Paper, knowing the same to be false or falsified, and any Person with fraudulent Intent altering, defacing, destroying, withholding, or abstracting any Voting Paper, and any Person wilfully making a false Answer to any Question put to him by the Returning or other Officer, shall be guilty of a Misdemeanor, and punishable by Fine or Imprisonment, for a Term not exceeding Three Months.

This Act and 8 & 9 Vict. c. 16. to be construed together.

3. This Act shall be read and have effect as Part of the Companies Clauses Consolidation Act, 1845 (Eight and Nine Victoria, Chapter Sixteen), and this Act may for all Purposes be cited as "Companies Voting Act, 1864."

SCHEDULE.

I, of One of the Shareholders of the Company, do hereby declare that I give every Vote to which I am entitled in favour of the [" Motion made by *A. B.* and seconded by *C. D.*," or " Amendment moved by *E. F.* and seconded by *G. H.*"] which was made or moved at the Meeting of the Company held on the Day of 18 , (*and so of any other Motion or Amendment*), and I do hereby nominate

A. B.,
C. D.,
or *E. G.*,

being Shareholders duly qualified in the aforesaid Company, or One of them, to deliver this Voting Paper at the Poll on my Behalf.

Witness my Hand (*or, if a Corporation, then* the Common Seal of the Corporation), this Day of 18 .

Signature of Shareholder

Address

Joint Stock Companies (Voting Papers).

A

BILL

[AS AMENDED IN COMMITTEE]

To afford Shareholders in Joint Stock Companies Facilities for voting by means of Voting Papers.

(*Prepared and brought in by*
Mr. Darby Griffith, Mr. Hadfield, and
Mr. Vance.)

Ordered, by The House of Commons, *to be Printed,*
7 *July* 1864.

[Bill 198.]

Under 1 *oz.*

8 *February* 1864. 27 Vict.

A

BILL

TO

Amend the Law relating to future Judgments, Statutes, and Recognizances.

Preamble.

WHEREAS it is desirable to assimilate the Law affecting Freehold, Copyhold, and Leasehold Estates to that affecting purely Personal Estates in respect of future Judgments, Statutes, and Recognizances, as against Purchasers and Mortgagees: Therefore be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Future Judgments, &c. not to affect Land not delivered in execution in Absence of Notice of Lodgment of Elegit, &c.

1. No Judgment, Statute, or Recognizance to be entered up after the *passing of this Act* shall affect any Land (of whatever Tenure), as to a bonâ fide Purchaser for valuable Consideration or a Mortgage, unless at the Time of such Purchaser or Mortgagee acquiring his Title such Land shall have been actually delivered in execution by virtue of a Writ of Elegit or other lawful Authority in pursuance of such Judgment, Statute, or Recognizance, or he shall have had Notice that such a Writ of Elegit or other lawful Authority shall have been actually delivered to and remain unexecuted in the Hands of the Sheriff, Under Sheriff, or Coroner.

2. In

Extent of the Term "Judgment."

2. In the Construction of this Act, the Term "Judgment" shall be taken to include registered Decrees, Orders of Courts of Equity and Bankruptcy, and other Orders having the Operation of a Judgment.

Act not to extend to Ireland.

3. This Act shall not extend to Ireland.

Judgments, &c. Law Amendment.

A

BILL

To amend the Law relating to future Judgments, Statutes, and Recognizances.

(Prepared and brought in by
Mr. Hadfield, Mr. Locke King, and Mr. Powell.)

Ordered, by The House of Commons, *to be Printed,*
8 *February* 1864.

[Bill 3.]

Under 1 *oz.*

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Law relating to future Judgments, Statutes, and Recognizances.

Preamble.

WHEREAS it is desirable to assimilate the Law affecting Freehold, Copyhold, and Leasehold Estates to that affecting purely Personal Estates in respect of future Judgments, Statutes, and Recognizances: Therefore be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Future Judgments, &c. not to affect Land until Land delivered in execution.

1. No Judgment, Statute, or Recognizance to be entered up after the passing of this Act shall affect any Land (of whatever Tenure) until such Land shall have been actually delivered in execution by virtue of a Writ of Elegit or other lawful Authority in pursuance of such Judgment, Statute, or Recognizance.

Interpretation.

2. In the Construction of this Act, the Term "Judgment" shall be taken to include registered Decrees, Orders of Courts of Equity and Bankruptcy, and other Orders having the Operation of a

Judgment, and the Term "Land" shall be taken to include all Hereditaments, corporeal or incorporeal, or any Interest therein.

Act not to extend to Ireland.

3. This Act shall not extend to Ireland.

Judgments, &c. Law Amendment.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Law relating to future Judgments, Statutes, and Recognizances.

(Prepared and brought in by
Mr. Hadfield, Mr. Locke King, and Mr. Powell.)

Ordered, by The House of Commons, *to be Printed,*
17 *June* 1864.

[Bill 160.]

Under 1 *oz.*

A

B I L L

TO

Regulate and amend the Law in relation to the keeping together and Discharge of Juries in Criminal Cases.

WHEREAS it is expedient to amend the Law in relation to the keeping together and Discharge of Juries in Criminal Cases: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

1. A Jury sworn in a Criminal Case Trial shall not, after the Accused has been given in Charge to them, and before Verdict, separate without the Leave of the Judge, but no Objection shall be taken to a Verdict after the same has been pronounced on the Ground that before Verdict the Jury had separated without such Leave.

In a Criminal Trial a Jury shall not separate without Leave, but such Separation shall not invalidate Verdict.

2. If before Verdict it shall appear that a Jury sworn in a Criminal Trial has separated without such Leave as aforesaid, the Judge may, at his Discretion, either discharge the Jury, and swear a new one, or may continue the Trial with the Jury already empannelled, and in either Case the Judge may impose such Fines as he shall think proper

If a Jury separates without Leave, the Judge may swear a new Jury, or continue the Trial with the original Jury, and may fine the Jurors.

proper on the Jurors, or such of them as shall have so separated without such Leave.

When a Trial lasts more than a Day, the Judge may either keep together the Jury, or allow them to separate, and if kept together he may keep them at an Hotel or in the Court House, and he may send a County Jury to an Hotel in a City adjoining.

3. In case a Criminal Trial shall last more than One Day the Judge may allow the Jury to separate, or may keep them together, at his Discretion, and if kept together, he may at his Discretion direct the Sheriff to keep them together in the Court House where the Trial is being held, or at some Hotel convenient thereto; and where a County Court House is situated in a County of a City, he may direct a County Jury to be removed to and kept in an Hotel in the said County of the City, and for the Purpose of removing and keeping together said Jury the County Sheriff shall have and exercise in the said County of the City all the Power and Authority vested in him for keeping together a Jury in his own Bailiwick.

Before a Jury shall retire to consider their Verdict, a Judge may, in certain Cases, adjourn a Trial, or discharge a Jury.

4. After a Party accused has been given in Charge to a Jury in any Criminal Trial, and before the Jury have retired to consider their Verdict, it shall be lawful for the Judge either to order the Adjournment of the Trial for such Time as he shall think fit, or to discharge the Jury then empanelled, if the Judge shall consider that a Case of evident Necessity for such Adjournment or Discharge has arisen, or if the Judge shall deem it right for the Purposes of Justice to order such Adjournment or Discharge.

In certain Cases he must certify the Cause of Adjournment or Discharge to the Chancellor.

5. In case any Judge shall order an Adjournment of a Criminal Trial, or discharge the Jury empannelled on such Trial, after a Party accused has been given in Charge to a Jury, and before Verdict, for other Cause than the sudden Illness of a Juror, a Witness, or the Accused, he shall within *Three Days* after such Adjournment or Discharge forward by Post, if in England to the Lord Chancellor of England, or if in Ireland to the Lord Chancellor of Ireland, a Certificate under his Hand, stating the Name of the Accused, and the Charge for which he was on Trial, and the Time, Place, and Cause of such Adjournment or Discharge, which Certificate shall be subsequently filed in England in the Court of Queen's Bench at Westminster, and in Ireland in the Court of Queen's Bench at Dublin.

If a Judge becomes unable to continue a Trial, the Jury shall be discharged.

6. If, after a Party accused has been given in Charge to a Jury in any Criminal Trial, and before Verdict, the Judge, from Illness or other unavoidable Necessity, shall become unable to continue the Trial, the Jury then empannelled shall be discharged.

A Jury may be ordered Refreshment

7. After a Jury in a Criminal Trial has retired to consider their Verdict, it shall be lawful for the Judge, if he shall so think fit, to order the Jury to be supplied with reasonable Food and Refreshment, and the Sheriff shall provide the same accordingly.

after they have retired to consider their Verdict.

After a Jury has retired they may be discharged in case of Necessity.

8. If, after a Jury in a Criminal Trial has retired to consider their Verdict, from the Illness of a Juror, or other Cause other than a Disagreement as to the Verdict, the Judge shall consider a Case of evident Necessity is made out for the Discharge of the Jury before Verdict, it shall be lawful for the Judge, at his Discretion, to discharge the Jury.

If a Jury cannot agree, the Judge may discharge them.

9. In case in any Criminal Trial a Jury cannot agree to a Verdict, after having been kept together for a reasonable Time to consider their Verdict, it shall be lawful for the Judge to discharge the Jury, if he shall so think fit; and in all Cases the Judge shall decide what is reasonable Time, having regard to the Nature of the Case, and the reasonable Probability of the Jury agreeing to a Verdict by being kept together for any longer Period.

The Judge's Decision on the Discharge of a Jury shall be final.

10. From the Decision of a Judge as to the Adjournment of a Criminal Trial or the Discharge of a Jury there shall be no Appeal.

After a Jury has been discharged the Party accused may be tried again.

11. In all Cases where a Jury shall be discharged, the Trial already commenced shall be considered null and void, and it shall be lawful to try again the Party accused.

Construction of Words.

12. In the Construction of this Act the Words "Criminal Trial" shall be construed to include all Trials for Treason, Felony, and Misdemeanor; the Word "Judge" shall be construed to mean any Party presiding at a Trial when a Jury shall be empanelled to try the Accused; and the Word "Lord Chancellor" shall include the Lord Keeper or Lords Commissioners of the Great Seal for the Time being.

Act not to extend to Scotland.

13. This Act shall not extend to Scotland.

Juries in Criminal Cases.

A

B I L L

To regulate and amend the Law in relation to the keeping together and Discharge of Juries in Criminal Cases.

(Prepared and brought in by
Sir Colman O'Loghlen and Mr. Longfield).

Ordered, by The House of Commons, *to be Printed,*
27 *May* 1864.

[Bill 120.]

Under 1 *oz.*

Justices of the Peace Procedure Bill.

ARRANGEMENT OF CLAUSES.

PRELIMINARY.

Preamble.

Sect.

1. Short Title.
2. Extent of Act.
3. Commencement of Act.
4. Interpretation of Terms.
5. Division of Act.

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64. Certain Provisions of 17 & 18 Vict. c. 125, as to Evidence to apply to Civil Cases.
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105. What previous Sections shall not apply.

106. Justices annually in December to appoint the Days of holding Special Sessions for the Year ensuing.

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110. Mode of summoning and giving Notice of Special Sessions.

111. Persons to obey Precepts of Clerk.

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113. What Justices may attend Special Sessions.
114. Where Special Sessions holden.
115. Constitution of Special Sessions.
116. What Business to be done at Special Sessions.
117. Orders, &c., of Special Sessions to be signed by Two Justices only.
118. Special Sessions may be adjourned by Justices or Clerk.
119. Proceedings to be entered in a Book.
120. Home Office may make Rules of Practice for Special Sessions.

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137. Forms in Second Schedule to be deemed valid.
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139. Certified Copy of Minutes of Evidence, &c., in certain Cases to be furnished to Parties, and to be Evidence, &c.
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142. Chief Magistrate of Bow Street to be a Justice for Berks without Qualification.
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FIRST SCHEDULE.—Table of Fees to be taken by Clerks to Justices.
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THIRD SCHEDUDE.—Enactments repealed.

COMPARATIVE TABLE OF REPEALED ACTS AND NEW PROVISIONS.

Repealed Acts and Nature of Provisions.	Re-enactments or new Provisions, or Reasons for Omission.
3 Jac. 1. c. 10. Sects. 1. 3. Distress on Offender's Goods for Costs of conveying him to Prison.	Omitted as Power never exercised, but Sect. 72, Paragraph 5, allows these Costs to be added to Penalty in summary Cases.
27 G. 2. c. 3. Costs of conveying Offender to Gaol to be paid by County or (in Middlesex) by Overseers.	Omitted, as Conveyance of Prisoners now comes out of Police Rates.
9 G. 4. c. 61. s. 15. Fees to Justices Clerks for Alehouse Licences, &c.	These Fees provided for in Sect. 24. and Table, First Schedule.
5 & 6 W. 4. c. 50. (Highway Act), s. 110. Fees to Justices Clerks.	Same.
5 & 6 W. 4. c. 76. (Municipal Corporations):	
s. 111. Jurisdiction of Justices	Sect. 8.
s. 124. Justices Clerks Fees	Sect. 24. and First Schedule, Table of Fees.
s. 126. Application of Penalties	Sect. 77, Paragraph 5.
s. 128. Witnesses	Sect. 44.
s. 129. Imprisonment for Penalties	Sect. 68.
s. 130. Form of Conviction	Sect. 66.
s. 131. Appeal to Quarter Sessions	Sects. 73 and 74.
s. 132. No Certiorari, &c.	Sect. 82.
2 & 3 Vict. c. 47. s. 77. Imprisonment in default of Payment of Penalties (Metropolitan Police Courts).	Sect. 68.
2 & 3 Vict. c. 71. (Metropolitan Police Courts):	
s. 17. Warrants need not be backed	Sect. 122, Paragraph 3.
s. 19. Summonses on Complaints	Sect. 42.
s. 20. Service of Summons	Sect. 43.
s. 21. Warrant	Sect. 42.
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s. 31. Costs may be awarded	Sect. 67, Paragraph 7.
s. 32. Amends for frivolous Informations	Sect. 67, Paragraph 24.
s. 33. Informers compounding Informations	Sect. 67, Paragraph 25.
s. 34. Informer's Share of Penalties	Sect. 77, Paragraph 4.
s. 35. Mitigation of Penalties	Sect. 67, Paragraph 15.
s. 42. Justices Clerks Fees	Sects. 24, 25, 26, and First Schedule.
s. 43. Table to be hung up	
s. 44. Information and Time	Sect. 37.
s. 45. Recovery of Penalties	Sects. 67 and 68.
s. 48. Forms of Information and Conviction.	Sects. 40 and 66.

Repealed Acts and Nature of Provisions.	Re-enactments or new Provisions, or Reasons for Omission.
2 & 3 Vict. c. 71 (Metropolitan Police Courts)—*cont.*	
s. 49. Conviction not to be quashed	Sect. 82.
s. 50. Mode of appealing	Sects. 73 and 74.
2 & 3 Vict. c. xciv. (City Police Act) :	
s. 97. Recovery of Fines, &c.	Sect. 67.
s. 98. Scale of Imprisonment	Sect. 68.
s. 99. Conviction and Form	Sect 66.
s. 100. Summons for Penalties	Sects. 41, 42.
s. 101. Mode of appealing	Sects. 73, 74.
5 & 6 Vict. c. 44. s. 3. Fees for Alehouse temporary Authority to sell.	In General Table, First Schedule. See Sect. 24.
5 & 6 Vict. c. 109. (Parish Constables), s. 17, Justices Clerks and Constables Fees.	Same [and Sect. 141, as to Constables Fees].
6 & 7 Vict. c. 68. s. 6. Justices Clerks Fees for Theatre Licence.	Same.
7 & 8 Vict. c. 33. s. 7. Notice from Justice convening Special Sessions.	Omitted, as another Mode provided in Sect. 110, Paragraph 5.
10 & 11 Vict. c. 82. Punishment of Juvenile Offenders for indictable Larcenies.	All Provisions necessary now contained in Part X. ; the Special Preliminary Procedure Provisions omitted as unnecessary.
11 & 12 Vict. c. 42. (Jervis's Act containing Procedure as to Indictable Offences).*	* This Act being referred to for Procedure in certain Acts not proposed to be repealed, Sect. 130, Paragraph 2, substitutes the new Provisions for it.
s. 1. What Offences and Issue of Summons.	Sects. 10, and 38, 39, 40, 41, 42.
s. 2. Warrant for Offences at Sea	Same.
s. 3. do. on Indictment found	Sect. 89.
s. 4. Issue, &c., of Warrant on Sunday	Sect. 124.
s. 5. Justices of adjoining Counties, where to act.	Sect. 6.
s. 6. Justices may act in City, &c.	
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s. 8. Making Charge and Issue of	Sects. 40, 43.
s. 9. Process for Offence	
s. 10. Direction of Warrants, &c.	Sects. 121, 122.
s. 11. Backing Warrants in England	Omitted, but see Sect. 122, Paragraph 3.
s. 12. do. Ireland	Sect. 123.
s. 13. do. Channel Isles	
s. 14. s. 15 do. Scotland	
s. 16. Witnesses may be summoned, &c.	Sect. 44.
s. 17. Examination of Witnesses	Sect 85, Paragraphs 1, 2, 3, and 11.
s. 18. Statement of Accused	Sect. 85, Paragraph 4.

Repealed Acts and Nature of Provisions.	Re-enactments or new Provisions, or Reasons for Omission.
11 & 12 Vict. c. 42 (Jervis's Act)—*cont.*	
s. 19. Court need not be open - -	Sect. 53.
s. 20. Binding over Witnesses - -	Sects. 86, 90, 127, Paragraph 10.
s. 21. Remanding Accused - -	Sects. 46, 48, 49, 51.
s. 22. Where Offence committed in another County.	Sect. 85, Paragraphs 9 and 10.
s. 23. Admitting Accused to Bail -	Sect. 87.
s. 24. Discharge when bailed - -	
s. 25. Discharge or Committal of Accused.	Sect. 85, Paragraph 8.
s. 26. Conveyance of Prisoner - -	Sect. 125, Paragraph 8.
s. 26. Costs on County - -	Costs unnecessary as Conveyance undertaken by Police Constabulary. See Section 85, Paragraph 10.
s. 26. Offenders Money to pay Costs -	Omitted as unfair to an Accused.
s. 27. Copies of Depositions for Accused.	Sect. 90. Proviso.
s. 28. Forms in Schedule - -	Sect. 137. and 2nd Schedule.
s. 29. Metropolitan Police and Stipendiary Magistrates may act alone.	Sect. 16.
s. 30. Lord Mayor and Aldermen of London may act alone.	Sect. 17.
s. 31. Bow Street Magistrate a Justice for Berks.	Sect. 142.
s. 32. Extent of Act - - -	———
s. 33. Commencement of Act - -	
s. 34. Repeal of Acts - - -	
s. 35. Act may be amended, &c. -	
11 & 12 Vict. c. 43. (Jervis's Act containing Procedure as to summary Convictions and Orders).*	* This Act being referred to for Procedure in certain Acts not proposed to be repealed, Section 130, Paragraph 2, substitutes the new Provisions for it.
s. 1. Cases within Act - -	Sect. 58.
s. 1. Issue and Service of Summons -	Sect. 42, 43.
s. 2. Issue of Warrant, when - -	Sect. 40, 42.
s. 3. Form of Warrant - -	
s. 3. Where Warrants may be executed.	Sect. 122, Paragraph 3.
s. 3. No Objection to Form of Warrant.	Sect. 138.
s. 3. Recognizance of Bail estreated -	Sect. 128, Paragraph 3.
s. 4. Description of Property of Partners, &c.	Sect. 136.
s. 5. Aiders and Abettors - -	Sect. 78.
s. 6. Provisions of 11 & 12 Vict. c. 42. ss. 5, 6, 7, to extend to this Act.	Sect. 6.

Repealed Acts and Nature of Provisions.	Re-enactments or new Provisions, or Reasons for Omission.
11 & 12 Vict. c. 43. (Jervis's Act)—*cont.*	
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s. 8. Complaints need not be in Writing.	Sect. 40.
s. 9. Variances between Forms and Evidence - - -	Sect. 138, Paragraph 3.
s. 9. Recognizance of Bail estreated -	Sect. 128, Paragraph 2.
s. 10. Manner of making Complaints, Oath, &c.	Sect. 39, 40.
s. 11. Time for making Complaints -	Sect. 37.
s. 12. Number of Justices to hear Cases	Sect. 15, Paragraph 2.
s. 12. Open Court - - -	Sect. 53.
s. 12. Attorney for either Party -	Sect. 54.
s. 13. Appearance and Non-appearance of Complainant or Defendant.	Sect. 65.
s. 14. Dismissing Case or making Conviction, &c.	Sects. 65, 66.
s. 15. Competency of Witnesses -	See last Paragraph of Sect. 58. as to what are "Civil" and what "Criminal Proceedings." 14 & 15 Vict. c. 99. ss. 2, 3, will therefore apply.
s. 16. Adjournment of hearing and bailing or committing Defendant.	Sect. 65. Paragraphs 2, 3, 5, 6, Sects. 45, 48, and Sect. 28, Paragraph 3.
s. 17. Forms of Convictions and Orders	Sects. 66, 69, 137, and Second Schedule.
s. 18. Powers to award Costs - -	Sect. 67, Paragraph 7.
s. 19. Distress for Penalties, &c. -	Sect. 67, Paragraphs 17, 19.
s. 20. Detention of Defendant till Return of Distress Warrant	Sect. 67. Paragraphs 17, 18, 19.
s. 21. Commitment in default of Distress	Sect. 68.
s. 22. Distress and Commitment where no Remedy provided for Recovery.	Same as last Two.
s. 23. Commitment where a Penalty, &c.	Sect. 67. Paragraph 2, and Sect. 68.
s. 24. Commitment where Imprisonment, only, Costs.	Sect. 67. Paragraph 8, and Sect. 68.
s. 25. Imprisonment for consecutive Periods.	Sect. 67. Paragraph 23.
s. 26. Committal for Costs on Dismissal	Sect. 67. Paragraphs 10, 17, and Sect. 68.
s. 27. After Appeal, Conviction, &c., to be enforced by Justices. Costs of Appeal.	Sect. 76.
s. 28. Payment of Penalty, &c. Defendant to be discharged.	Sect. 125. Paragraphs 4, 7.
s. 29. One Justice to commence Proceedings and enforce Conviction, &c.	Sect. 15. Paragraphs 1, 3.

Repealed Acts and Nature of Provisions.	Re-enactments or new Provisions, or Reasons for Omission.
11 & 12 Vict. c. 43. (Jervis's Act)—*cont.*	
s. 30. Quarter Sessions or Council to make Table of Justices Clerks Fees.	Sect. 24. and First Schedule.
s. 30. Clerks taking other Fees	Sect. 27.
s. 31. Application of Penalties, &c.	Sect. 77. Paragraph 7.
s. 31. Clerks to keep Accounts, &c.	Sect. 28, 29.
s. 31. Gaoler to render Accounts, &c.	Sect. 71.
s. 32. Forms in Schedule	Sect. 137, and Second Schedule.
s. 33. Metropolitan Police and Stipendiary Magistrates may act alone.	Sect. 16.
s. 34. Lord Mayor and Aldermen of London.	Sect. 17.
s. 35. Act not to extend to Revenue and other Cases.	Sect. 140, and see Sect. 58.
s. 36. Repeal of Acts	———
s. 37. Extent of Acts	
s. 38. Commencement of Act	
s. 39. Act may be amended, &c.	
12 & 13 Vict. c. 14. (Recovery of Rates)	Sect. 58. Paragraph 2.
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s. 2. Imprisonment in default of Distress	Sect. 67, para. 18, and Sect. 68.
s. 3. Distress Warrant to include several Defaulters, but Commitment separate.	Sect. 72, Paragraph 8, and Forms I. A. and J. A. in Second Schedule.
s. 4. Direction of Warrants	Sect. 121. Paragraph 3.
s. 5. Service of Summons	Sect. 43.
s. 5. Ex parte Hearing	Sect. 65.
s. 6. Payment of Sums, Proceedings to cease.	Sect. 125, Paragraphs 4, 7.
s. 7. Previous Proceedings legal	———
s. 8. Forms in Schedule to be used	Second Schedule, Forms B. B., C., I. A., and J. A.
s. 9. Limitation of Imprisonment for a Church Rate (Qy. relating to Ecclesiastical Courts).	Now in Section 68, like other Orders of Justices.
13 & 14 Vict. c. 37. Extending 10 & 11 Vict. c. 82. to Offenders 14 to 16 Years of Age.	Part X., Sects. 93, 95.
13 & 14 Vict. c. 87. Application of certain Fines to Police Superannuation Funds.	Sect. 77, Paragraph 3.
14 & 15 Vict. c. 55. (Expenses of Prosecutions, &c.):	
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s. 10. Certain Business may be excepted	Omitted, as Salaries to apply to all Duties.
s. 10. How Salary payable, and Funds.	Sect. 31.

Repealed Acts and Nature of Provisions.		Re-enactments or new Provisions, or Reasons for Omission.
14 & 15 Vict. c. 55. (Expenses of Prosecutions, &c.)—*cont.*		
s. 11.	Clerks so paid to account for Fees.	Sect. 32.
s. 12.	Justices may remit Fees to Parties	Sect. 35.
s. 18.	Amending 11 & 12 Vict. cc. 42. 43. as to backing Warrants in Channel Isles.	Sects. 123, Paragraphs 1, 2.
18 & 19 Vict. c. 126 (Criminal Justice Act).*		*This Act being referred to in Acts not repealed, Sect. 103. substitutes the new Provisions for it: Part X.
s. 1.	Larceny under 5*s.* how punishable	Sects. 94, 95, 97.
s. 2.	Procedure in last Cases - -	Sects. 95, 97.
s. 3.	Larceny above 5*s.* by Servants, &c.	Sects. 96, 97.
s. 4.	Attorney for Accused - - -	Sect. 54.
s. 5.	Remanding Accused - -	Sect. 47.
s. 6.	Forfeited Recognizances to Quarter Sessions.	Sect. 128.
s. 7.	Conviction, &c. to Quarter Sessions	Sect. 101.
s. 8.	Restitution of Property stolen, &c.	Sect. 100.
s. 9.	Petty Sessions an Open Court -	Sect. 92.
s. 10.	11 & 12 Vict. c. 43. not to apply.	(See Sect. 91.)
s. 11.	Effect of Conviction - -	Sect. 98.
s. 12.	Proceedings a Bar, &c. - -	Sect. 99.
s. 13.	Conviction not to be quashed, &c.	Sect. 82.
s. 14.	Expenses of Prosecutor and Witnesses.	Sect. 102.
s. 15.	Town Hall, &c., to be used - -	Sect. 52.
s. 16.	Metropolitan Police and Stipendiary Magistrates to act alone.	Sect. 16.
s. 17.	Act not to affect Juvenile Offenders Acts, 10 & 11 Vict. c. 82. and 13 & 14 Vict. c. 37.	[These Acts are included in Repeals, but new Provisions substituted.]
s. 22.	Compensation to Party aggrieved a Witness.	Sect. 77, Paragraph 1.
20 & 21 Vict. c. 43. (Stating Case for Superior Courts):		
s. 1.	Definition of Superior Court -	Sect. 73, Paragraph 2.
s. 2.	In what Cases to appeal -	Same, and Sect. 75, Paragraphs 1, 7.
s. 3.	Recognizance and Cost of Case -	Sect. 75, Paragraphs 2, 6.
s. 3.	Schedule of Fees - -	Sect. 24, and 1st Schedule.
s. 4.	Justices may refuse a Case -	Sect. 75, Paragraph 4.
s. 5.	Queen's Bench may order Case to be stated.	Sect. 75, Paragraph 5.
s. 6.	Superior Court to determine Case	} Sect. 75, Paragraphs 9, 11.
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s. 9.	After Decision Conviction to be enforced.	Sect. 76.

Repealed Acts and Nature of Provisions.	Re-enactments or new Provisions, or Reasons for Omission.
20 & 21 Vict. c. 43. (Stating Case for Superior Courts)—*cont.*	
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s. 11. Superior Court to make Rules -	Sect. 75, Paragraph 8.
s. 12. Definition of "Justices" - -	Sect. 4.
s. 13. How Recognizances enforced -	Sect. 75, Paragraph 12.
s. 14. Appellant not to appeal to Quarter Sessions.	Sect. 73, First Two Lines allowing one Appeal only.
s. 15. Extent of Act - -	[England and Ireland.]
21 & 22 Vict. c. 73. (Stipendiary Magistrates):	
s. 1. May act alone in certain Cases -	Sect. 16.
s. 2. May act also in Petty Sessions -	
s. 3. But not in Quarter or Special Sessions.	
s. 4. Saving as to Metropolitan Police Magistrates.	
s. 5. Amendment of 11 & 12 Vict. c. 43 s. 22.	Omitted as unnecessary. See Sect. 67, Paragraphs 17, 18, 19.
22 & 23 Vict. c. 14. (Pawnbrokers' Act Amendment) Application of 2 & 3 Vict. c. 17. ss. 32–35.	Sect. 67, Paragraphs 15, 24, 25, Sect. 77, Paragraph 4.
22 & 23 Vict. c. 32. (County Police Amendment):	
s. 14. Appropriation of Penalties to Superannuation Funds.	Sect. 77, Paragraph 3.
24 & 25 Vict. c. 96. (Larceny Consolidation):	The same Note as placed to 11 & 12 Vict. c. 43, is here applicable.
s. 99. Aiders and Abettors - -	Sect. 78.
s. 105. On Oath to issue Summons -	Sections 40, 41, 42.
s. 106. Application of Penalties -	Sect. 77.
s. 107. Scale of Imprisonment - -	Sect. 68.
s. 108. Justice to discharge Offender, &c.	Sect. 80.
s. 109. Conviction to be a Bar, &c. -	Sect. 68, last Two Paragraphs.
s. 110. Appeal Clause.	Sect. 73, 74.
s. 111. No Certiorari, &c. - -	Sect. 82.
s. 112. Conviction to Quarter Sessions -	Sect. 66.
s. 120. Proceedings to be under 11 & 12 Vict. c. 43.	Sect. 130, Paragraph 2.
24 & 25 Vict. c. 97. (Malicious Injuries Consolidation):	
s. 62. On Oath to issue Summons -	Sects. 40, 41, 42.
s. 63. Aiders and Abettors - -	Sect. 78.
s. 64. Application of Penalties - -	Sect. 77.
s. 65. Scale of Imprisonment - -	Sect. 68.
s. 66. Justices to discharge Offenders, &c.	Sect. 80.
s. 67. Conviction to be a Bar, &c. -	Sect. 68, Two Paragraphs.
s. 68. Appeal Clause - - -	Sect. 73, 74.
s. 69. No Certiorari, &c. - - -	Sect. 82.

Repealed Acts and Nature of Provisions.	Re-enactments or new Provisions, or Reasons for Omission.
s. 70. Conviction to Quarter Sessions -	Sect. 66.
s. 76. Proceedings to be under 11 & 12 Vict. c. 43.	Sect. 130, Paragraph 2.
24 & 25 Vict. c. 99. (Coinage Offences Consolidation):	
s. 32. No Certiorari, &c. - -	Sect. 82.
s. 41. Proceedings to be under 11 & 12 Vict. c. 43.	Sect. 130, Paragraph 2.
24 & 25 Vict. c. 100. (Offences against the Person):	
s. 44. Certificate of Dismissal for Assault	Sect. 66.
s. 45. Certificate to be a Bar, &c. -	Sect. 66.
s. 72. No Certiorari, &c. - -	Sect. 82.
s. 76. Proceedings to be under 11 & 12 Vict. c. 43.	Sect. 130, Paragraph 2.
24 & 25 Vict. c. 130. s. 2. Justices to make Regulations as to Licences.	Sect. 120.
25 Vict. c. 18. Whipping of Juvenile Offenders	Sect 67, Paragraph 9, and Sect. 95, Paragraph 5.
25 & 26 Vict. c. 82. (Economical Recovery of Rates). Several Rates recoverable by same Proceedings.	Sect. 39, Paragraph 2; Sect. 40, Paragraph 3; Sect. 42, Paragraph 3; Sect. 58, Paragraph 4. See also Forms L.A. and J.A. Second Schedule.
26 & 27 Vict. c. 77. Amending Jervis's Acts, 11 & 12 Vict. cc. 42., 43., as to Justices acting in adjoining Counties, Cities, &c.	Section 6. applies similar Provisions to *all Cases* as provided by 26 & 27 Vict. c. 77.

A

B I L L

TO

Consolidate and amend the Acts regulating Procedure before Justices of the Peace out of Quarter Sessions in England.

WHEREAS it is expedient to reduce into One Act the existing Enactments regulating the Procedure before Justices of the Peace out of Quarter Sessions in England, to simplify and amend those Enactments and the Forms of such Procedure, and to provide uniform Tables of Fees to be taken by Clerks to Justices and Constables: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

PRELIMINARY.

1. This Act may be cited as "The Justices Procedure Act for England, 1864." Short Title.

2. This Act shall not extend to Scotland or Ireland, save and except the several Provisions herein contained respecting the backing and Execution of Warrants and Service of Summonses. Extent of Act.

3. This Act shall commence upon the *First Day of January One thousand eight hundred and sixty-five*, except Sections 25 and 106, which Commencement of Act.

which shall commence and take effect at the Times therein mentioned respectively.

Interpretation of Terms:

4. In the Interpretation of this Act and of the Schedules thereto the following Words and Expressions shall have the Meanings hereby assigned to them, save where there is anything in the Subject or Context repugnant to such Construction; (that is to say,)

County:

"County" shall include County of a City or Town, and Division or Riding of a County:

County or Place:

"County or Place" shall mean the last-mentioned Places, or any City, Town, Liberty, Cinque Port, Borough, District, Division, or other Place of Magisterial Jurisdiction:

Borough:

"Borough" shall mean any Borough named in the Schedules (A.) and (B.) annexed to the Act of the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, and any Borough incorporated by Charter:

Parish:

"Parish" shall include any Township, Tything, Hamlet, or Place:

Justice:

"Justice" shall mean any One or more Justices of the Peace, Police or Stipendiary Magistrate, and the Lord Mayor or any Alderman of the City of London, respectively, having Jurisdiction for the County or Place where the Offence or Matter requiring the Cognizance of such Justice or Justices is or is suspected or deemed to have been committed or arises:

Sessional Division:

"Sessional Division" shall mean every Division constituted under the Acts of the Ninth Year of King George the Fourth, Chapter Forty-three, the Sixth Year of King William the Fourth, Chapter Twelve, and of the Twenty-second and Twenty-third Years of Her Majesty, Chapter Sixty-five, or of One or more of them, as well as every City, Borough, or Town Corporate having a separate Commission of the Peace:

Special Sessions:

"Special Sessions" shall mean every Meeting of Justices of the Peace out of Quarter Sessions held in and for any "Sessional Division" for particular Purposes, and called in the Acts in that Behalf "Special Sessions" or "Special Petty Sessions," or in other like Terms, as well as the General Annual Licensing Meeting for Alehouses:

Petty Sessions:

"Petty Sessions" shall mean the Meeting of Two or more Justices at the Place usually appointed for holding or where is usually held a Meeting of Justices in any "Sessional Division":

Oath:

"Oath" shall include solemn Affirmation or Declaration substituted by Law for an Oath:

Gaol:

"Gaol" shall include any House of Correction or Common Gao of or for the County or Place to which the Person sent thereto may by Law be committed:

Home Office:

"Home Office" shall mean One of Her Majesty's Principal Secretaries of State:

Treasurer:

"Treasurer" shall in the Metropolitan Police District, mean the Receiver of the Metropolitan Police District, and in the City of London the Chamberlain of the said City:

Property:

"Property" shall include Goods, Chattels, Money, Bank or other Notes, valuable Securities, Documents, and every other Matter or Thing, whether real or personal, upon or with respect to which any Offence may be committed:

Penalty:

"Penalty" shall include any such Property forfeited by Law upon a summary Conviction, and the Proceeds of such Property when sold or disposed of as by Law directed:

Clerk to the Justices:

"Clerk to the Justices" or "Clerk to Justices" shall mean the Person duly appointed to the said Office for any Sessional Division, Borough, or District, and the Person usually acting as such Clerk either in the Capacity of Clerk of the Sessional Division or (so far as regards the Provisions of Part XI.) Clerk of the Special Sessions, and the Person usually acting as or performing the Duties of such Clerk, or as his lawful Deputy; but within the Metropolis and City of London, such Term "Clerk to the Justices" shall mean the Chief or Principal Clerk, or in his Absence the Second or AssistantClerk:

Constable:

"Constable" shall mean every Constable, Peace Officer, or other Person belonging to any Constabulary or Police Force, and every Parochial Constable:

Defendant:

"Defendant" shall be understood to include Bodies Politic and Corporate (except in the Provisions of Sections 67 and 68 as to Imprisonment), as well as Individuals:

Complaint:

"Complaint" shall include any Information or Application made to a Justice:

Complainant.

"Complainant" shall include Informer or Prosecutor.

Division of Act.

5. This Act is divided into Fourteen Parts, relating to the following Subject Matters:

The First Part to the Jurisdiction and Authority of Justices:
The Second Part to Clerks to Justices, their Fees and Duties:
The Third Part to preferring Complaints and Charges:
The Fourth Part to Process to enforce Appearance:
The Fifth Part to Witnesses:
The Sixth Part to adjourning and remanding Cases:
The Seventh Part to the Place of hearing, and Proceedings thereat:
The Eighth Part to Summary Jurisdiction:

The Ninth Part to indictable Offences :

The Tenth Part to Summary Jurisdiction over certain indictable Offences :

The Eleventh Part to Special Sessions Matters :

The Twelfth Part to the Execution of Warrants :

The Thirteenth Part to Recognizances :

The Fourteenth Part to Repeal of Acts and Miscellaneous Provisions.

PART I.

JURISDICTION AND AUTHORITY OF JUSTICES.

Local Jurisdiction.

6. The Powers of Justices and others to act in and for different Localities shall be subject to the following Provisions :

Justice may act for One County, &c., whilst in adjoining County, &c., or whilst in adjoining County of a City.
11 & 12 Vict. c. 42. ss. 5, 6.
14 & 15 Vict. c. 93. s. 7.

(1.) A Justice for any County or Place may act as such in all Matters arising therein, although he may at the Time happen to be in an adjoining County or Place, provided he is also a Justice for such adjoining County or Place :

(2.) A Justice for any County may act as such in all Matters arising therein, although he may at the Time happen to be in any City, Town, or Place, being a County of itself, situated within or adjoining to such first-mentioned County, whether he is a Justice of such City, Town, or Place, or not ; but nothing herein contained shall extend to empower any Justice for any County, not being also Justice for any such City, Town, or Place as aforesaid, or any Person acting under him, to act or intermeddle in any Matters arising within any such City, Town, or Place :

Or for detached Parts of Counties.
11 & 12 Vict. c. 42. s. 7.

(3.) A Justice for any County may act as such in all Matters arising in any detached Part of any other County which is surrounded in whole or in part by the County for which such Justice acts, as if such detached Part were to all Intents and Purposes Part of the said County :

Justice a Guardian of Union may act in Offences in Workhouses.

(4.) A Justice who is an ex-officio or elected Member of a Board of Guardians of any Union duly constituted may act as a Justice in respect of all Offences committed in the Workhouse of such Union in any County or Place comprised in the said Union, although he is not a Justice for such County or Place :

Or in Places added to County for Police Purposes.
21 & 22 Vict. c. 68.

(5.) Whenever, under the Act of the Twenty-first and Twenty-second Years of Her Majesty, Chapter Sixty-eight, any detached Part of any County is annexed or transferred to any other County for the Purposes of the Acts relating to County and District Constables, such annexed or transferred Part shall for all the Purposes of this Act be deemed to be Part of the last-mentioned County :

(6.) A Justice may receive and take any Affidavit, Complaint, Declaration, or Recognizance, and sign, grant, or issue any Certificate, Summons, or Warrant, and do all other Things necessary thereto, at any Place other than that for which he is or acts as such Justice:

Justice may take Information, &c. out of Jurisdiction.

And all Constables or other Persons apprehending any Person whom they lawfully may and ought to apprehend by virtue of their Office or otherwise, in any such County or Place as aforesaid, may lawfully convey such Person before any Justice for such County or Place whilst such Justice or Justices shall be in such adjoining County or Place as aforesaid; and such Constables or other Persons are hereby authorized and required in all such Cases to act in all things as if such Justice or Justices were Justices for such County or Place, or were within the County or Place for which he or they shall so act or exercise Jurisdiction.

Authority of Constables.

7. Where any Offence within the Eighth or Tenth Parts of this Act is committed—

Offences on the Boundaries of Counties, &c., or during a Journey, &c. 7 G. 4. c. 64. ss. 12, 13. 24 & 25 Vict. c. 109. s. 36.

(1.) On any Bridge or on Land or on Waters on or forming the Boundary or Boundaries of Two or more Counties, Places, or Sessional Divisions, or within the Distance of *One hundred* Yards of any such Boundary or Boundaries, or begun in One County, Place, or Sessional Division, and completed in another;

(2.) On any Person or on or in respect of any Property in or upon any Coach, Waggon, Cart, or any Engine, Tender, or Carriage of or forming Part of any Railway Train or other Carriage whatever employed in any Journey, or on any Person or on or in respect of any Property on board any Boat or Vessel whatever employed on any Voyage or Journey upon any Waters, navigable River, Canal, or Inland Navigation;

(3.) Where in either of these Cases the Side, Centre, or other Part of any Highway, Street, or public Place, or the Side, Bank, Centre, or other Part of any such Waters, River, Canal, or Navigation, shall constitute the Boundary of any Two Counties, Places, or Sessional Divisions;

Such Offence shall for all Purposes be deemed and described in any Proceeding to have been committed in either of the said Counties, Places, or Sessional Divisions, or in any County, Place, or Sessional Division, through or adjoining to or by the Boundary of any Part whereof such Coach, Waggon, Cart, Engine, Tender, Carriage, or Vessel shall have passed in the course of such Journey or Voyage, as the Case may be, in the same Manner as if the Offences respectively had been wholly or actually committed in such County, Place, or Sessional Division.

Deemed to be committed in either.

Borough Justices to have exclusive Jurisdiction.
5 & 6 W. 4. c. 76. s. 111.
13 & 14 Vict. c. 91. s. 9.

8. Notwithstanding anything in any Act or Charter to the contrary, but subject to the other Provisions of this Part of this Act, all Offences and Matters committed or arising wholly within any City or Borough having a separate Commission of the Peace (whether it have a separate Court of Quarter Sessions of the Peace or not) shall and may be heard and determined by the Justices of such City or Borough exclusively, and no Justice of any County shall as such act or intermeddle in any such Offences or Matters: Provided always, that if at any Time there shall not be Three Justices of such City or Borough competent and qualified to act in any Case, within the Eighth, Tenth, and Eleventh Parts of this Act, any Justice of any County adjoining or surrounding it may act within such City or Borough as a Justice thereof.

Justices where summary Offence committed to have Jurisdiction.

9. Where any Offence or Matter mentioned in the Eighth or Tenth Parts of this Act is by any Act placed within the Jurisdiction of a Justice to hear and determine, it shall be understood to mean, when not so expressed, or unless otherwise expressed in such Act or in this Act, a Justice of the County or Place where such Offence or Matter is by Law deemed to have been committed or to have arisen.

Justices Jurisdiction over indictable Offences.
11 & 12 Vict. c. 42. ss. 1, 2.

10. Any Justice may exercise any Jurisdiction given him by this Act in Proceedings for indictable Offences—

(1.) Whenever any Person has or is by Law deemed to have committed any Treason, Felony, indictable Misdemeanor (except in respect of the Non-repair of a Highway), or other indictable Offence whatsoever within the Limits of the Jurisdiction of such Justice:

14 & 15 Vict. c. 93. s. 10.

(2). Whenever any Person has committed or is suspected to have committed any such Crime or Offence elsewhere out of the Jurisdiction of such Justice, either in Great Britain or Ireland, or in the Isles of Man, Jersey, Guernsey, Alderney, or Sark, and such Person is residing or being, or is suspected to reside or be, within the Limits of the Jurisdiction of such Justice:

(3.) Whenever any Person has committed or is suspected to have committed any Crime or Offence whatsoever on the High Seas, or in any Creek, Harbour, Haven, or other Place in which the Admiralty of England have or claim to have Jurisdiction, or on Land beyond the Seas, for which an Indictment can be legally preferred in any Place in the United Kingdom of England and Ireland, and such Person is residing or being, or suspected to reside or be, within the Limits of the Jurisdiction of such Justice:

But

Not to affect Jurisdiction over Foreign Offences.
6 & 7 Vict. c. 34, 75, 76.
25 & 26 Vict. c. 70.

But this Enactment shall not prevent a Justice from exercising the Jurisdiction given to him by any Act relating to Offences committed in Foreign Countries, or in any Part of Her Majesty's Dominions, not being Part of the said United Kingdom.

Justices of the Quorum abolished.

11. For the Purposes of any Matter within this or any other Act, it shall not be necessary for any Justice acting under this or any other Act to be a Justice of the Quorum.

Offences to be heard in their proper Divisions.

12. All Offences and Matters determinable before Justices of a County shall be heard and determined by and before the Justice or Justices acting for the Sessional Division within which such Offences and Matters were respectively committed or arose, unless expressly otherwise enacted.

Certain Justices, Members of Corporations, &c. not disqualified.
5 & 6 Vict. c. 57. s. 15.
11 & 12 Vict. c. 63. s. 132.
23 & 24 Vict. c. 77. s. 16.
25 & 26 Vict. c. 61. s. 38.
16 Geo. 2. c. 18. ss. 1, 3.

13. Notwithstanding anything in any Act to the contrary, a Justice may act alone, or with any other Justice, in any Matter within this Act, although he is an ex-officio or elected Member of the Board of Guardians, or of the Highway Board, or a Member of the Local Board, or Local Board of Health, or of the Municipal or other Corporation, or One of the Local Authority complaining or concerned or interested in such Matter, or in the Property or Premises with respect to which the Complaint or Charge is made, or liable or contributing to any Rate or County or Borough Fund.

Interested Justices disqualified in certain Cases.

14. No Justice shall, either alone or with any other Justice, hear and determine any Offence or Matter within the Eighth, Tenth, or Eleventh Parts of this Act, who is interested therein, or related to any Party to the Proceeding, in any of the following Ways,—

(1.) If he is interested as Owner, Lessee, or Occupier in the Property, Land, or Premises upon or with respect to which the Offence or Matter was committed or arose;

(2.) If he is the Father or Brother of any Party to the Proceeding, or of any Person so interested;

(3.) If he is the Partner in Business of any Party to the Proceeding, or of any Person so interested;

(4.) If he is a Member, Director, Officer, or Shareholder of any Joint Stock or other Public Company or Body complaining or concerned in such Offence or Matter;

Unless both Parties to such Proceeding shall previously give their Consent thereto; but such Justice is hereby required to state the Fact of his being so interested or related or otherwise before he shall take any Part in such Hearing and Determination.

Number of Justices necessary in Cases in Part 8.
11 & 12 Vict. c. 43. s. 29.

15. The Number of Justices required to act in Cases within the Eighth Part of this Act shall be subject to the following Provisions:

(1.) Any One Justice may receive a Complaint and issue a Summons or Warrant to any Defendant or Witness, and do any other Act and Matter preliminary to the Hearing:

Id. s. 12.
Id. s. 29.

(2.) Every Complaint shall be heard and determined by One or Two or more Justice or Justices, as directed by the Act or Acts upon or under which the Complaint is framed; and if there be no such Direction in any such Act or Acts then such Complaint may be heard and determined by any One Justice: Provided always, that in all Cases where by this or any other Act it is required that the Complaint shall be heard and determined by Two or more Justices such Justices must be present and acting together during the whole of the Hearing and Determination of the Case:

(3.) After the Case shall have been heard and determined any One Justice may issue all Warrants thereon for enforcing the Determination.

Powers of Metropolitan Police and Stipendiary Magistrates.
11 & 12 Vict. c. 42. s. 29.
11 & 12 Vict. c. 43. s. 33.
21 & 22 Vict. c. 73. ss. 1, 2, 3.
2 & 3 Vict. c. 71. s. 14.
18 & 19 Vict. c. 126. s. 16.

16. Any One of the Magistrates appointed to act at any of the Police Courts of the Metropolis, and sitting at a Police Court within the Metropolitan Police District, and every Stipendiary Magistrate appointed for any other City, Town, Liberty, Borough, Place, or District, and sitting at a Police Court or other Place appointed in that Behalf, may do alone any Act and exercise alone any Jurisdiction which under this Act, or under any Law now in force, or under any Law not containing an express Enactment to the contrary hereafter to be made, may be done or exercised by more than One Justice, whether sitting or acting in Petty Sessions or otherwise, and also in and over the Offences mentioned in the Tenth Part of this Act: Provided always, that none of the said Magistrates shall be competent to act as a Justice, either alone or with any other Justice or Justices, in any Thing which is to be done or exercised under the Eleventh Part of this Act, or at the General or Quarter Sessions of the Peace, or in relation to the Grant or Transfer of any Licence.

The Lord Mayor and Aldermen of London may act alone in certain Cases.
11 & 12 Vict. c. 43. s. 34.
11 & 12 Vict. c. 42. s. 30.
3 & 4 Vict. c. 84. s. 6.

17. The Lord Mayor of the City of London or any Alderman of the said City for the Time being sitting at the Mansion House or Guildhall Justice Rooms in the said City, or other Place appointed by the Court of Mayor and Aldermen of the said City, may do alone any Act and exercise alone any Jurisdiction which, under this Act or under any Law now in force, or under any Law not containing an express Enactment to the contrary hereafter to be passed, may be done or exercised by more than One Justice or by Justices in Petty Sessions; but this Enactment shall not extend to the Offences and Matters mentioned in the Tenth Part or the Eleventh Part of this Act (except as to the Appointment of Overseers of the Poor), nor to the making of any Order in Bastardy against the putative Father of any Bastard Child, nor to the Recovery of the Possession of deserted Premises or small Tenements under the Acts in that Behalf.

43 Eliz. c. 2. s. 8.
3 & 4 Vict. c. 84. s. 13.
1 & 2 Vict. c. 74.

PART II.

Clerks to Justices, their Fees and Duties.

18. As soon and as often as any Vacancy shall arise in the Office of Clerk to the Justices of any Sessional Division, the Justices of such Division shall, at some Meeting held for the Purpose (of which Ten Days Notice at the least, signed by Two of the Justices, shall be transmitted by Post to the Address of all the other Justices acting or residing in such Division), appoint some fit and proper Person, being an Attorney at Law in actual Practice (not being at the Time of such Appointment the Clerk of the Peace for the County, or the Deputy or Partner of such Clerk of the Peace, or the Treasurer of the County, or a Clerk or Person in the Employment of either), to fill the said Office, to be removable in like Manner at the Pleasure of such Justices; and every such Appointment and Removal when made shall be forthwith notified by the Chairman of such Meeting to the Clerk of the Peace of the County; and every such Clerk now or hereafter appointed shall be called the "Clerk to the Justices of the (naming it) Sessional Division."

Appointment of future Clerks to Justices and Tenure of Office.
5 & 6 W. 4. c. 76. s.102.

19. Every Person who at the Commencement of this Act shall hold the Office of Clerk to Justices, or Clerk of Petty or Special Sessions, or Clerk of a Part of a Sessional Division, shall continue to hold the same until he shall die, resign, or be removed by the Justices of the Sessional Division; but, so soon as practicable, there shall be but One Person in each Division acting or performing the Duties of Clerk to Justices, and Clerk of Petty and Special Sessions.

Previous Appointment to continue.

20. Any Clerk to Justices already or hereafter to be appointed shall, with the Approval of the Justices of the Sessional Division or Borough, appoint some Person as his Deputy to act for him temporarily during any Period fixed by such Justices, or whenever they shall see Occasion, or to assist such Clerk in his Business; and every Deputy or Assistant so appointed and approved shall have all the Powers and perform all the Duties of such Clerk, and shall be removable at the Pleasure of such Clerk.

Clerk to appoint a Deputy.
26 & 27 Vict. c. 97. s. 6.

Clerks disqualified from conducting Prosecutions, &c. in certain Cases.
5 & 6 W. 4. c. 76. s. 102.
26 & 27 Vict. c. 97. s. 6.
9 & 10 Vict. c. 95. s. 29, 30.

21. No Clerk to Justices (other than a Clerk to the Justices of any Borough) already or hereafter to be appointed shall, by himself or his Partner or Clerk, be directly or indirectly employed, concerned, or interested in the Prosecution of any Offender committed for Trial by any Justice of the Division or Place (unless the examining or committing Justice shall, in Cases where no Attorney appears for the Prosecution, signify his Consent thereto, or direct such Clerk or his Partner or Clerk to conduct such Prosecution), nor shall any Clerk to Justices whatever, or his Partner or Clerk, be so employed, concerned, or interested in the Defence of any such Offender, or be engaged or concerned, practise or act, as the Attorney or Solicitor or Agent for any Party before the Justices to whom he is such Clerk (except in the Case of the preliminary Examination of an indictable Offence, wherein the previous Consent of such Justices to the Partner or Clerk of such Clerk to Justices being so engaged, concerned, practising, or acting, shall have been obtained), or act as the Clerk of any Attorney or Solicitor so practising or acting; and if any such Clerk shall be so employed, concerned, or interested, practise or act, without such Consent or Direction, he shall forfeit the Sum of One hundred Pounds to any Person who shall sue for the same in any of Her Majesty's Superior Courts of Record by Action of Debt or on the Case.

Clerk to have an Office.

22. The Clerk to the Justices of every Sessional Division shall have an Office in some convenient Place, to be appointed by the Justices, which shall be open daily (Sundays, Christmas Day, Good Friday, and any Day appointed for a Public Fast, Humiliation, or Thanksgiving, excepted), from Ten o'Clock in the Morning until Four o'Clock in the Afternoon.

Seal for each Division to be provided.

23. The Clerk to the Justices of every Sessional Division shall at his own Cost provide a Seal, on which the Word "Justices" and the Name of the Division or District shall appear; and all Documents issued from the Office of such Clerk, or signed by any Justice, shall bear the Impression of such Seal; and such Seal, however impressed thereon, shall for all Purposes be deemed the Seal of such Justice.

Clerks to Justices to be entitled to Fees in 1st Schedule.
5 & 6 W. 4. c. 76. s. 124.
11 & 12 Vict. c. 43. s. 30.

24. From and after the Commencement of this Act the Clerk to the Justices of every Sessional Division, Borough, or other Place (except those mentioned in the next Section) shall, in lieu of the Fees now payable, be entitled to demand and receive from the Person at whose Instance the several Proceedings by or before any Justice shall be taken, or in the Case of any Business transacted for any Parish, from the Overseers or Surveyors, as the Case may be, the several Fees in respect thereof set down in the First Schedule hereto; and no Fees other than those contained in the said Schedule (herein-after called the "Table of Fees"), and subject to the Regulations at the Foot thereof, shall be payable to such Clerk; but this Enactment shall be subject to the following Provisions:

(1.) A printed Copy of the Table of Fees in force for the Time being shall be posted in a conspicuous Part of the Room or Building in which the Petty Sessions are held, and in the Office of the Clerk to the Justices:

Table to be posted in Office, &c.

(2.) The Home Office may from Time to Time vary, lessen, or increase the Amount of any or all of the said Fees, and substitute other Fees in lieu thereof, or add new Fees, as may become necessary:

Home Office may alter Table in certain Cases.

(3.) Whenever the Home Office shall so alter, lessen, increase, or add to the Table of Fees, amended Copies of such Table, or Part thereof, shall be transmitted to the Clerk of the Peace, to be by him distributed to the Clerk to the Justices to which such Table relates.

Altered Table to be sent to Clerk of the Peace.

25. The Home Office shall, as soon as convenient after the passing of this Act, and from Time to Time, make a Table of Justices Clerks Fees to be taken in the Police Courts of the Metropolis, and alter or vary such Table; and the Court of Mayor and Aldermen of the City of London shall in like Manner (subject to the Approval thereof by the Home Office) make, alter, or vary a like Table in respect of all Acts and Business done in the Justice Rooms and other Places of exercising Magisterial Jurisdiction in the said City, except in respect of Matters required to be done and transacted in Special Sessions, to which Matters the Fees applicable thereto in the First Schedule hereto are hereby directed to apply; and as soon as any such Table is made, it shall be posted as required by the last preceding Section: Provided always, that until such Table is so made the Clerks may demand and receive such Fees as they are now by Law authorized to demand or receive.

Justices Clerks Fees in the Metropolis.
2 & 3 Vict. c. 71. s. 42.

26. Any Justice or Clerk to Justices may refuse to do any Act for which a Fee may be demandable under this or any other Act, unless such Fee shall be first paid.

Justice or Clerk may refuse to act until Fees paid.
2 & 3 Vict. c. 71. s. 43.

27. If any Clerk shall demand or receive any other or greater Fee or Gratuity for any Act or Business done or transacted by him as such Clerk than such as is set down in the said Table of Fees or altered Table, or in the Table in force applicable to such Clerk, or by any Statute, he shall forfeit for every such Demand or Receipt the

Clerk taking greater or other Fees than allowed.
11 & 12 Vict. c. 43. s. 30.

Penalty.

Sum of *Twenty Pounds*, to be recovered, together with treble the Amount, if any, so received, by Action of Debt in the County Court of the District in which such Clerk shall have his Office, by any Person aggrieved thereby.

Accounts of Fees, Fines, Penalties, &c. to be kept and rendered.
11 & 12 Vict. c. 43. s. 31.

28. Every Clerk to Justices shall keep a true and exact Account of all Fees payable to and received by him under this Act, by whom owing, and of whom and when received, and a like Account of all Moneys received and paid by him for Fines, Penalties, or Sums of Money, for Costs, Constables Fees, or otherwise, as such Clerk, of whom and when received, and to whom and when paid, such Account respectively being called "The Fees and Fines Book" (A); and such Book shall be open to the Inspection of the Clerk of the Peace, the Treasurer, or any Justice of the Division or Borough, at all reasonable Times; and such Clerk shall likewise Four Times in every Year, at such Period as the Court of Quarter Sessions or the Council or other governing Body shall direct in that Behalf, render a fair Copy of the last-mentioned Account of Fines, Penalties, or other Sums, and pay the Amount due from him thereon and payable under this Act to the Treasurer of the County or Borough, to such Treasurer.

Penalty on Clerk failing to account for Fines or refusing Inspection of Books.
11 & 12 Vict. c. 43. s. 31.

29. If any Clerk to Justices shall fail to render such Account as mentioned in the preceding Section, or shall wilfully render an Account untrue in any Particular, or shall fail to pay over the Amount due thereon, or any other Sums, as in this Act directed, or shall refuse to allow such Inspection as in the said Section mentioned, he shall forfeit the Penalty of *Five Pounds* for every such Default or Refusal, to be recovered, with the Amount, if any, of Fines, Penalties, or other Sums unaccounted for and unpaid, as Penalties are directed by Sections 67 and 68 of this Act to be recovered, before any Justice of the County or Borough where such Clerk shall have his Office, on Complaint made within Six Months after such Default or Refusal.

Clerk to Justices may be paid by Salary in lieu of Fees, and *vice versâ*:
14 & 15 Vict. c. 55. ss. 9, 10.

30. In any County, whenever there shall be but One Person acting as the Clerk to the Justices of any Sessional Division therein, and performing the several Duties of Clerk to the Justices and Clerk of Petty and Special Sessions, the Justices of the Peace of such County, at their General or Quarter Sessions (Notice being given at the preceding Quarter Sessions that a Motion will be made for such Purpose), and also in any Borough at any Time the Council or other governing Body thereof, may respectively from Time to Time, if they see fit to do so, recommend to the Home Office that such Clerks to the Justices of any or all of such Sessional Divisions or of such Borough be paid by Salary in lieu of

Fees and other Payments; or where any such Clerks are for the Time being paid by Salaries by virtue of any Order made under Section Nine of the Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-five, or under this Act or otherwise, may recommend that the Amounts of all or any of the Salaries for the Time being payable be reconsidered, or that all any of such Clerks for the Time being paid by Salaries be paid by Fees in lieu of Salary; and in reference thereto the following Provisions shall be observed; (that is to say,)

Justices, Council, &c. to inquire into Fees received on an Average of Five Years.

26 & 27 Vict. c. 97. s. 7.

(1.) Where Payment by Salary in lieu of Fees is recommended, the Justices, Council, or governing Body shall, by such Means and in such Manner as they may think proper, inquire into and ascertain the annual Amount (to be computed upon an Average of *Five Years* immediately preceding the Date of such Recommendation, or of such shorter Period as such Clerk shall have been in Office) of the Fees received by such Clerk, and also of the Payments made by such Clerk for Law or other Books, Printing, and Stationery, and all other Charges and Expenses connected with or incidental to the Duties of such Clerk:

To state Amount they recommend.

(2.) In the last Case, and also where the Reconsideration of the Amount of any Salary is recommended, the Justices, Council, or governing Body shall state in their Recommendation the Amount of Salary which in their Opinion should in each Case be paid, inclusive of any Allowance for the Payments last mentioned:

How recommendation to the Home Office to be signed;

(3.) Such Recommendation from a County shall be signed by the Chairman of the Sessions, and from a Borough by the Mayor or other Head Officer of the Borough:

and sent within a Month.

(4.) Such Recommendation shall be transmitted to the Home Office within One Month after the signing thereof:

Clerk may appeal.

(5.) The Clerk to whom such Recommendation refers (and in the Case of a Borough the Justices thereof also) may appeal to the Home Office against the same:

Home Office may make Order in such Case;

(6.) The Home Office, after considering the Matter, may by Order direct that all or any of the Clerks to which such Recommendation refers be paid by Salary, and may fix the Amount of Salary to be so paid, or vary the Amount of Salary for the Time being payable to any such Clerk, or may direct that any such Clerk for the Time being paid by Salary be paid by Fees in lieu of Salary, and shall by such Order direct from what Date the same shall take effect:

and transmit Order to Clerk of the Peace.

(7.) The Home Office shall cause Copies of every such Order to be transmitted to the Clerk of the Peace, to be by him distributed to the Clerks to the Justices affected thereby.

Salary to be paid out of County or Borough Funds.
14 & 15 Vict. c. 55. ss. 9, 10.

31. The Salary for the Time being payable to any such Clerk under any Order made under the said Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-five, or this Act, or otherwise, shall be paid out of any County Rate, or Rate in the Nature of a County Rate, made in the County, or out of the Borough Fund of the Borough, as the Case may be, for or in which such Clerk to whom the same is payable is appointed or acts, in Four quarterly Payments, by the Treasurer of such County or Borough, without further Authority than this Act; and such Salary shall include and be deemed the Remuneration for all Business which such Clerk may by reason of his Office be called on to perform; and no other Sum or Allowance shall be made for any such Business, or for or to a Deputy of any such Clerk, or for any Payments, Charges, or Expenses connected with or incident to his Duties.

Clerks paid by Salaries to account for the Fees.
14 & 15 Vict. c. 55. s. 11.

32. So long as any such Order for Payment of such Clerk by Salary in lieu of Fees is in force, such Clerk shall pay the Fees received by him to the Treasurer of the County or Borough, as the Case may be, for which such Clerk acts, to be applied by such Treasurer in aid of the same Rate or Fund out of which such Salary is herein-before made payable; and the same Fees shall be paid to such Treasurer Four Times in every Year at such Period as the Court of Quarter Sessions or the Council or other governing Body shall direct in that Behalf; and such Clerk shall at the same Time render a fair Copy or Transcript of the "Fees and Fines Book" mentioned in Section Twenty-eight of this Act of the Fees so received, and shall sign his Name to, and certify to the Correctness of such Copy or Transcript.

Penalty on Clerk failing to account for Fees.

33. If any Clerk to Justices shall fail to pay over such Fees as last mentioned, or to render such Copy or Transcript of the "Fees and Fines Book," or shall wilfully render an untrue Copy or Transcript, he shall forfeit the like Penalty, and be liable to be proceeded against in the same Manner, as any Clerk is by the Twenty-ninth Section of this Act liable for failing to account for Fines and Penalties.

Recovery of Fees from Parties to Proceedings.
21 & 22 Vict. c. 100. s. 16.
2 & 3 Vict. c. 71. s. 43.

34. Whenever the Person who shall be liable under the Provisions of this Act or any other Act or Acts, or otherwise, to pay any Fees to any Clerk to Justices whatever (whether he be paid by Salary or not), shall fail to make Payment thereof, any Justice of the Sessional Division, Borough, or other Place or District for which such Clerk acts (after a Summons to such Person issued on the Complaint of such Clerk, and upon Proof that the Business or Act for which the Fees are claimed has been done or performed, and that a verbal or written Demand thereof has been made *Seven* Days before,) may, at any Time after such Fees become payable, adjudge that such Fees shall be paid to such Clerk at such Time as such Justice shall determine; and the Amount thereof, with the Fee for such Summons and Service, shall be enforced in like Manner as any Decision of Justices may be enforced under Sections 67. and 68. of this Act.

Justices may remit Fees of Justice's Clerks when paid by Salary. 14 & 15 Vict. c. 55. s. 12.

35. Where any Clerk is paid by Salary by virtue of any Order made under the said Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-five, or this Act, or otherwise, any Justice before whom any Proceedings is had, wherein a Fee is payable to such Clerk under the said Act or this Act, or otherwise, or before whom any Person is summoned under the last preceding Section for Nonpayment of any such Fee, may remit such Fee, in whole or in part, for Poverty or other reasonable Cause, in his Discretion; and in every such Case such Justice shall cause an Entry to be made of such Remission in the proper Column of the "Fees and Fines Book" mentioned in Section Twenty-eight of this Act by such Clerk, and of the Reason for such Remission, which Entry shall be signed by such Justice, and shall be a sufficient Voucher to discharge the Clerk therefrom.

What Sections of this Part shall not apply to certain Places.

36. The following Sections of this Part of this Act shall not, unless expressly referred to, apply to the Courts and Places or the Clerks of such Courts or Places herein-after mentioned; (that is to say,)

(1.) Sections Nineteen, Twenty, Twenty-two, Twenty-four, Twenty-eight, Thirty, Thirty-one, Thirty-two, and Thirty-three shall not apply to the Police Courts of the Metropolis:

(2.) Sections Eighteen, Nineteen, Twenty, Twenty-two, Twenty-four, Twenty-eight, Thirty, Thirty-one, Thirty-two, and Thirty-three, shall not apply to the City of London:

(3.) Sections Eighteen, Twenty, and Twenty-two shall not apply to any City or Place in which the Clerk is or may be appointed under "The Stipendiary Magistrates Act, 1863."

PART III.

PREFERRING COMPLAINTS AND CHARGES.

Time of making Complaints within Summary Jurisdiction.

37. In all Cases within the Eighth Part of this Act, when any Time is already or shall hereafter be specially limited for making any Complaint in the Act or Acts relating to each particular Case, such Complaint shall be made within the Time so limited, but where no

11 & 12 Vict. c. 43. s. 11. 14 & 15 Vict. c. 93. s. 10. Para. 4.

no such Time is so specially limited the Complaint (except in the Case of Rates and Taxes) shall be made within Six Months from the Time when the Offence was committed or Matter of Complaint arose, and in the Case of any Complaint for Nonpayment of Local Rates and Taxes within Twelve Months from the Date of the Rate or Assessment, subject to the following Provisions:

(1.) When the Matter of Complaint shall be the Nonpayment of Money (other than Rates and Taxes), the Time shall be reckoned from the Date of the Demand, either verbally or in Writing, or when the same is by Law due or directed to be paid:

(2.) When the Offence or Matter of Complaint shall be the Neglect of the Defendant to do some Act required by Law, other than the Payment of Money, such Offence or Matter shall be deemed to have been committed or to have arisen on any Day during the Default to do such Act:

(3.) Whenever by the Terms of any Act the Defendant must be "convicted," or the Penalty or Forfeiture must be "recovered," within a limited Time, it shall be sufficient if the Complaint be made within such Time:

(4.) Where any Appeal has been made against the Decision of Justices dismissing any Complaint, and such Decision is reversed, the Complaint may be made again within Six Months from the Date of the Hearing of such Appeal:

(5.) Where any Complaint shall be dismissed as herein-after provided, without Prejudice to its being made again, the Time which has elapsed between the making of it and the Date of such Dismissal shall not be counted.

Time for preferring Charges of indictable Offence.

38. In all Cases of indictable Offences where no Time is already or shall hereafter be specially limited for making or preferring the Charge or Complaint, the Charge or Complaint may be made at any Time after the Commission of the Offence.

By whom Complaints and Charges may be made.

11 & 12 Vict. c. 43. s. 10.

39. All Complaints for any Offence or Matter of Complaint within the Eighth and Ninth Parts of this Act may be made by the following Persons, unless the Act in that Behalf shall specially require or authorize some other Person to make such Complaint; (that is to say,)

(1.) In Offence Cases within the Eighth Part, by the Party aggrieved thereby, in Person, or his Counsel, Agent, or Attorney authorized verbally or in Writing, or by a Constable or other Person:

25 & 26 Vict. c. 82.

(2.) In Complaints for Local Rates or Taxes, by the Overseers of the Poor, Collector or other Officer authorized to collect the same in Office at the Time such Complaints shall be made:

(3.) In all other Cases within the Eighth Part, by the Party aggrieved in Person, or by his Counsel, Attorney, or Agent authorized verbally or in Writing:

(4.) In Offences within the Ninth Part, by any Constable or any Person injured by the Offence in Person:

But this Enactment is not to prevent or affect the Operation of any Provision of any Act, or any Law which authorizes the Apprehension of any Offender who is found committing an Offence.

Manner of making Complaints.
11 & 12 Vict. c. 43. s. 2.
14 & 15 Vict. c. 93. s. 10.

40. The Manner of making Complaints to Justices for any Offence or Matter within the Eighth and Ninth Parts of this Act shall be as follows:

When Summons to issue.

(1.) Whenever it is intended that a Summons only to the Defendant or Accused, the Complaint may be made to a Justice, or to the Clerk to the Justices, without Oath:

When Warrant to issue.

(2.) Whenever it is intended that a Warrant shall issue for the Apprehension of the Defendant or Accused in the first instance, the Complaint shall be in Writing, and on or substantiated by Oath before a Justice:

Complaints to be entered in a Book by Clerk, and considered as in Writing.
9 & 10 Vict. c. 95. s. 59.
25 & 26 Vict. c. 82.
9 & 10 Vict. c. 95. s. 68.

(3.) In all Cases within the Eighth Part of this Act, whenever a Summons or Warrant is issued, the Clerk to the Justices to whom or in whose Presence the Complaint is made shall enter in a Book to be kept for this Purpose in his Office, and to be called the "Complaint Book" (B.), the Date of making such Complaint, the Names and Abodes of the respective Parties, a short Statement of the Offence or Matter of Complaint, under what Act and Section it is made, and stating whether a Summons or Warrant is issued, and by whom, and when it is returnable; and every such Complaint shall be numbered in every Year, according to the Order in which the same is made; and such Entry shall (when the Complaint is, under any Act now in force, or hereafter to be passed, required to be in Writing,) be signed by the Complainant and the Clerk or Justice, and shall operate to all Intents as a good Complaint for any Purpose for which a Complaint in Writing is so required; but, nevertheless, such Clerk or Justice may take a separate Complaint in Writing, if he thinks fit so to do: All such Complaints in Offence Cases shall include all the Defendants, and in every such Case where a separate Penalty has been incurred for the same Offence on continuous or several Days, the Complaint shall include all the Days on which the same was incurred: In the Case of Local Rates or Taxes, the Complaint shall include any Number of Rates or Taxes, whether of the same or of different Kinds, due from the same Defendant, and recoverable on the Complaint of the same Person: Where Two or or more Persons, being Partners, are jointly answerable for Local Rates or Taxes, or for Wages or Compensation, any One of such Persons may be made the Defendant:

Separate Complaint in certain Cases.

(4.) In Cases within the Ninth Part of this Act, wherein a Warrant shall issue, a separate Complaint (B. a.) may be taken, or it may be entered in the Book last-named, according as the Justice shall see fit:

Fees to be paid at the Time.

(5.) The Fees for the Complaint and Summons as well as for the Service of the Summons shall be paid to the Clerk to the Justices at the Time of making the Complaint:

Complaints taken out of Petty Sessions to be sent to Clerk.

(6.) Whenever a Complaint shall be received by any Justice not sitting in Petty Sessions, and whenever he shall issue any such Summons, he shall forthwith transmit the same or the necessary Particulars thereof, to the Clerk to the Justices, to be entered in the "Complaint Book," unless he shall deem it expedient to retain such Documents until the Defendant or Accused shall appear or be apprehended:

When Warrant issued in Offence Cases Justices may bind over Prosecutor and Witnesses to appear at Petty Sessions.

(7.) Whenever in any Offence Case under the Eighth Part of this Act, and in any Case under the Ninth Part of this Act, any Justice shall issue his Warrant, such Justice may, if he shall see fit, bind the Complainant by Recognizance to appear at the Petty Sessions or Place where the Complaint is to be heard, to prosecute or give Evidence, as the Case may be, against the Defendant or Accused; and such Recognizance shall be entered in the "Recognizance Book" herein-after mentioned (W. a.):

14 & 15 Vict. c. 93. s. 10. Paragraph 3. 11 & 12 Vict. c. 43. s. 1.

But nothing herein or in the next Part contained shall prevent any Justice from issuing a Warrant for the Arrest of the Defendant or Accused at any Time before or after the Time mentioned in such Summons for his Appearance.

PART IV.

Process to enforce Appearance.

Process to issue in Discretion of Justice or Clerk. 14 & 15 Vict. c. 93. s. 11. 11 & 12 Vict. c. 43. ss. 2, 10.

41. Subject to the Provisions contained in Section Forty, a Justice receiving any Complaint may, in his Discretion, in Offence Cases, and in Cases within the Ninth Part of this Act, issue a Summons or Warrant in the first instance; and if such Complaint be made to the Clerk to the Justices, he may, instead of issuing a Summons, refer the Complainant to a Justice, but in every Civil Case within the Eighth Part of this Act a Summons only shall be issued in the first instance.

Manner of issuing Summonses or Warrants.

42. The Manner in which a Summons or Warrant against Defendants or accused Persons upon Complaint received under

Section Forty shall be issued, shall be subject to the following Provisions:

(1.) Every Summons shall be issued and signed in Duplicate, and shall bear the same Number as the Complaint:

(2.) Whenever the Complaint is made to the Clerk to the Justices, he shall sign and issue the Summons, or upon his Refusal or otherwise any Justice may do so; or whenever the Complaint is made to a Justice, the Clerk to the Justices may sign and issue the Summons:

(3.) Every Summons issued shall be in the Form C, and may include One or more Offences or Matters of Complaint; and whenever the Complaint includes more than One Offence or Matter, or continuing Offences, or more than One Rate or Tax, such Summons shall relate to the same: Such Summons may require the Defendant or Accused to produce at the hearing of the Complaint or Charge any Books, Papers, or Documents the Subject of or in any wise relating to such Complaint or Charge:

(4.) Every Warrant shall be in the Form D, and shall name or (if his Name be unknown) describe the Defendant or Accused.

How Summonses to be served: 11 & 12 Vict. c. 43. s. 1. 14 & 15 Vict. c. 93. s. 12.

43. The Manner in which a Summons to a Defendant or Accused shall be served shall be subject to the following Provisions:

By a Constable.

(1.) Every Summons shall be served by a Constable or other Person to whom the same shall be delivered for that Purpose, but not by the Complainant:

Personally anywhere, or at Abode or Office, &c.

(2.) Every Summons shall be served upon the Defendant or Accused to whom it is addressed personally, either in England, Scotland, or Ireland, or in the Isles of Man, Guernsey, Jersey, Alderney, or Sark, or if the Service is made in England, by leaving the same with some Person for him at his last or most usual Place of Abode, or at his Office, Warehouse, Counting House, Shop, Factory, or Place of Business, a reasonable Time before the Day appointed for the Hearing of the Complaint, not being earlier than One clear Day from such Service; but this Enactment shall not affect the Provisions of any Act authorizing the Substitution of any other Mode of Service, or any other Mode of convening the Defendant before a Justice, in particular Cases:

Constable to endorse Service on Summons.

(3.) The Constable or other Person who shall serve such Summons shall endorse on the Duplicate thereof which he keeps the Time and Place and Manner of Service, and return the same to the Clerk to the Justices on or before the Day it is returnable; and shall also, if required by the

Clerk to the Justices, attend at the Hearing of the Complaint to depose, if necessary, to such Service:

Where Service is to be made at a Distance, Clerk to send it to Constable there.

(4.) Where a Summons is to be served at a greater Distance than Two Miles from the Place where the Complaint is to be heard the Clerk shall, on the Day of the Issue of such Summons, send the same in Duplicate to the Superintendent or other Constable of the District or Place where the Defendant or Accused shall reside or be (together with a Form of Affidavit of such Service), to be there served in Manner aforesaid:

Proof of Service of Summons may be by Affidavit.
9 & 10 Vict. c. 95. ss. 61, 62.

(5.) Where Service of Summons is effected at such Distance as last mentioned, and also in Cases where the Person who shall have served the same shall not be present at the Hearing of the Complaint, the Service may be proved, if the Justices shall think fit, by Affidavit, purporting to be sworn before a Justice of the Peace or Master Extraordinary in Chancery; and the Fees for such Affidavit and Oath shall, with the Fee for such Service, be Costs incurred by the Complainant.

PART V.

WITNESSES.

Justice may compel Witnesses to attend and give Evidence.
11 & 12 Vict. c. 43. s. 7.
11 & 12 Vict. c. 42. s. 16.
14 & 15 Vict. c. 93. s. 13.

44. Whenever in any Case it shall be made to appear to any Justice, or to the Clerk to the Justices, that any Person is able to give material Evidence touching any Complaint, and will not voluntarily appear for the Purpose of being examined as a Witness, such Justice or Clerk may proceed as follows:

Issue of Summons by Justice or Clerk.
In Cases of indictable Offences Warrant may issue in the first instance.

(1.) The Justice or Clerk may, on the Application of either Party, sign and issue a Summons (C.) to such Person, requiring him to appear as a Witness at a Time and Place mentioned in such Summons, and (if the Justice or Clerk shall see fit) to bring with him and produce for Examination or Identification such Property, Accounts, Books, Papers, or other Documents as shall be in his Possession or Power in anywise relating to the Matter of Complaint, and as shall be deemed necessary by such Justice or Clerk; but in any Case of an indictable Offence, whenever a Justice shall be satisfied by Proof upon Oath that it is probable that such Person will not attend to give Evidence without being compelled so to do, then (the Complaint being in Writing and on Oath), instead of issuing such Summons as aforesaid, he may issue a Warrant (D.) in the first instance for the Arrest of such Person:

If Summons be not obeyed Jus-

(2.) In any Case when any Person to whom a Summons is issued in the first instance shall neglect or refuse to appear tices may issue Warrant to arrest Witness.

appear at the Time and Place appointed thereby, and no just Excuse shall be offered for such Neglect or Refusal, then, after Proof that such Summons was personally served upon such Person, and (in case where the Witness is, according to Paragraph (4.) of this Section, entitled to be paid his Travelling Expenses) that his Travelling Expenses were paid or tendered to him, or that such Person is keeping out of the way of such Service, and that he is able to give material Evidence in the Case, the Justice before whom such Person should have appeared may issue a Warrant (D.) to arrest such Person, and to bring him at the Time and Place appointed for the Hearing of the Case, to testify, and to produce such Property, Accounts, Books, Papers, and Documents as may be required as aforesaid:

Justice may issue Process to Witnesses before Complaint completed or Process issued for indictable Offence.

(3.) Whenever a Justice shall be satisfied, by Proof, that any Person is able to give material Evidence for the Prosecution in any Case of an indictable Offence, and will not voluntarily appear to give Evidence, and it is expedient to hear the Evidence of such Person before any Process can be or is issued to enforce the Appearance of the Accused, such Justice may proceed in all respects as above provided as if such Process had issued, and a Time and Place were appointed for the Examination of the Witnesses against such Accused:

Service of Summons and Proof thereof.

Tender of Expenses in certain Cases.

(4.) All Summonses to Witnesses shall be issued in Duplicate, and may be served by the Complainant or other Person, and the Service may be proved in like Manner as Summonses to Defendants or Accused may be proved under Paragraph (5.) of Section Forty-three of this Act; but whenever the Witness resides at a greater Distance than Four Miles from the Place where the Complaint is to be heard, such Witness shall, in all other Cases than indictable Offences, be entitled to be paid at the Time of such Service the reasonable Expenses of travelling to such Place of Hearing, according to the same Scale as allowed by Law to Witnesses attending the Trial of any Offender for an indictable Offence:

What Persons shall be competent Witnesses.

(5.) The Evidence of the Informer or Complainant or Party aggrieved shall in all Cases be admissible in Proof of the Offence or Matter of Complaint, and in all Civil Cases the Evidence of the Defendant or his Wife shall be admissible in Proof against the Complainant:

Witnesses refusing to be examined

(6.) Whenever any Person shall appear as a Witness, either in obedience to a Summons or by virtue of a Warrant, (or shall be present, and shall be verbally required by the Jusmay be committed from Time to Time till they consent to be examined.

But this not to prevent the Case from being otherwise disposed of.

tice or Justices to give Evidence,) and he shall refuse to be examined upon Oath concerning the Matter of the Complaint, or shall refuse to take such Oath, or, having taken such Oath, shall refuse to answer such Questions concerning the said Matter as shall then be put to him, or shall refuse or neglect to produce any such Property, Accounts, Books, Papers, or Documents as aforesaid, (without offering any just Excuse for such Refusal,) the Justice or Justices then present may adjourn the Hearing for any Period not exceeding Eight clear Days, and may in the meantime by Warrant (E.) commit the said Witness to Gaol, unless he shall sooner consent to be sworn or to testify as aforesaid, or to produce such Property, Accounts, Books, Papers, or Documents, as the Case may be; and if such Witness, upon being brought up on such adjourned Hearing, shall again refuse to be sworn or to testify as aforesaid, or to produce such Property, Accounts, Books, Papers, or Documents, as the Case may be, the said Justices, if they shall see fit, may again adjourn the Hearing, and commit the Witness for the like Period, and so again from Time to Time until he shall consent to be sworn or to testify as aforesaid, or to produce such Property, Accounts, Books, Papers, or Documents, as the Case may be; (provided that no such Imprisonment shall in any Case within the Eighth Part of this Act exceed One Month in the whole;) but nothing herein contained shall be deemed to prevent the Justice or Justices from sending any such Case for Trial, or otherwise disposing of the same in the meantime, according to any other sufficient Evidence which shall have been received by him or them:

Witnesses to be protected from Arrest for Debt; and if arrested shall be discharged by the Court.

And no Person who shall be summoned to attend before any Justice as a Witness shall be liable to Arrest for Debt whilst at the Place where such Justice shall sit, or whilst proceeding to or returning from the same, provided he shall proceed and return by the most direct Road without unnecessary Delay; and it shall be lawful for the Court out of which the Writ or Process shall have issued to order the Discharge of any Person who shall be so arrested.

PART VI.

Adjourning and remanding Cases.

Clerk to Justices to to send Notice when

45. Whenever the Hearing of any Complaint for any Offence or Matter within the Eighth Part of this Act is adjourned pursuant to any Provision of this Act, the Justice may make such Adjournment

ment to such Time and Place, and upon such Terms, as to Costs or otherwise, as he shall think fit; and the Clerk to the Justices shall send Notice by Post of such Adjournment to such of the Parties as shall not attend by themselves, their Counsel, Attorneys or Agents, and whose Cases shall be so adjourned.

Cases within Summary Jurisdiction adjourned.

When Cases of indictable Offences may be remanded.

11 & 12 Vict. c. 42. s. 21.
14 & 15 Vict. c. 93. s. 14.

For what Periods.

46. In any Case within the Ninth Part of this Act, the Justice before whom the Accused shall appear or be brought may defer the Examination of the Witnesses, if it shall become necessary or advisable to do so from the Absence of Witnesses, or upon the Request of the Parties, their Counsel or Attornies, or for any Variance between the Complaint, Summons, or Warrant, and the Evidence adduced at such Examination, or for any other reasonable Cause; and such Justice may accordingly, and in his Discretion, remand the Accused, or bail him, as herein-after provided, and so from Time to Time, for the following Periods: The Adjournment or Remand shall not, if the Accused be sent to Gaol, exceed Eight clear Days at One Time, but if he be bailed as herein-after provided it may be for such shorter Period as the Justice thinks fit. And this Enactment, with all Provisions relative thereto, shall be read in lieu of Section Twenty-one of the Act of the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-two, whenever referred to or incorporated in any Act.

Remanding Cases within Part 10 of Act.

18 & 19 Vict. c. 126. s. 5.

47. When an Accused appears or is brought before One or more Justices who are not then sitting at the usual Place of holding Petty Sessions, and it is proposed to dispose of the Case under the Tenth Part of this Act, the Accused may be remanded to the next Petty Sessions, provided it is not for a longer Period than Fourteen Days.

Justice on Adjournments or Remands to admit to Bail or commit to Prison.

14 & 15 Vict. c. 93. ss. 14, 20. (last Clause).

48. Whenever in the Cases mentioned in Sections 45, 46, and 47, the Justice adjourns the further Hearing of the Case, or remands the Accused, he may, in his Discretion, do any of the following Things:

(1.) Suffer the Defendant to go at large on his Promise to attend on the Hearing or further Hearing of the Complaint:

(2.) If the Complaint is for an Offence, and there shall be a Complaint in Writing and on Oath that the Defendant or Accused is guilty of the Offence, may commit him to Gaol by Warrant (E.), or may discharge him upon his entering into a Recognizance, with or without Sureties, conditioned for his Appearance at the Time and Place to which such Hearing or further Hearing is adjourned.

49. Whenever

Justice may have Accused before him before Expiration of Remand.
11 & 12 Vict. c. 42. s. 21.

49. Whenever any Accused, in the Cases mentioned in Section Forty-six, is remanded to Gaol, the Justice may order him to be brought before him, or before any other Justice for the same County or Place, at any Time before the Expiration of the Time for which such Accused is so remanded.

Clerk to adjourn Petty Sessions or Cases where no Justice attends.
21 & 22 Vict. c. 100. s. 8, para. 5.

50. In case no Justice shall be in attendance for One Hour after the Time appointed for the holding of any Petty Sessions, the Clerk to the Justices may adjourn the Holding of such Petty Sessions, and the Hearing of all Proceedings thereat, to the next Petty Sessions Day; and upon such Adjournment being made he shall make an Entry thereof on the Minutes, and post a Notice thereof on the Door of the Room or Building where the Petty Sessions is held; and all Persons summoned or under Recognizance to attend thereat shall, without a fresh Summons or Recognizance, be bound to attend on the Day to which such Adjournment is made.

In indictable Offences Justice may bind over Witnesses to appear on Remand Day.
14 & 15 Vict. c. 93. s. 13, para. 6.

51. Whenever in the Cases mentioned in Sections Forty-six and Forty-seven the Hearing of the Case on the Examination of the Witnesses is deferred, the Justice may require to be bound by Recognizance (such Recognizance being entered in the "Recognizance Book," Wa.), any Prosecutor or Witness who shall appear before him or them to appear at the Time and Place appointed for the Hearing of the Case or Continuation of such Examination, and if he refuse to be so bound shall commit him to Gaol until the Time so appointed, unless in the meantime to enter into such Recognizance before some Justice of the County or Place in which such Gaol is situated.

PART VII.

Place of Hearing, and Proceedings Thereat.

Place of Hearing:
14 & 15 Vict. c. 93. s. 8.

52. The Places where Justices shall sit in the Discharge of their Duties shall be subject to the following Provisions:

In Town Hall or other Public Building.
12 & 13 Vict. c. 18. s. 2.
18 & 19 Vict. c. 126. s. 15.

(1.) Whenever any Place is hired or otherwise provided for the holding of Petty Sessions, within any Sessional Division under Section Two of the Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter Eighteen, or wherever in any other Place there is a Town Hall, Court House, or other Public Building therein belonging to the the County or Place, or any Court House provided by the Commissioners of Her Majesty's Treasury under the Act of the Ninth and Tenth Years of Her Majesty, Chapter

Ninety-five, the Petty Sessions shall be held in such Place, and such Town Hall, Court House, or other Building may be used for the Purpose of holding any Petty Sessions without any Charge for Rent or other Payment, save and except the reasonable and necessary Charges for lighting, warming, and cleaning when such Public Building is used for the Purpose of holding Petty Sessions, and for all other Expenses necessarily incidental to the Use of the said Building, for the Purposes of the said Petty Sessions: Provided always, that the necessary Arrangements shall be made so that the Sittings of Petty Sessions shall not interfere with the Business of the County or Place, or other Business usually transacted in such Town Hall, Court House, or other Public Building, or any Purpose for which the same may be used by virtue of any Act of Parliament in that Behalf.

(2.) In no Case shall the Petty Sessions be held (where a Room be provided by the County or Place) in any Alehouse, Victualling House, or Beerhouse:

Not to be held in Public House.

(3.) No Justice shall hear and determine any Case within the Eighth Part of this Act out of Petty Sessions, except Cases of Drunkenness or Vagrancy; but Two Justices, if they shall see fit, may hear and determine out of Petty Sessions any Complaint, when the Defendant shall be unable to give Bail for his Appearance at Petty Sessions, and which Fact shall be entered upon the Proceedings:

Justice may hear certain Cases out of Petty Sessions.

Provided always, that nothing herein contained shall be construed to prevent any Justice or Justices acting out of Petty Sessions from making any Order, Nomination, or Appointment, (not being in the Nature of a Conviction, or of an Adjudication upon a Complaint,) either on an ex-parte Application or otherwise, which he or they may be authorized or required by Law to make.

Proviso.

53. The Right of the Public to have Access to the Place in which Justices shall sit, shall be subject to the following Provisions:

Place in which Justice shall sit to hear Summary Cases to be deemed an open Court.

11 & 12 Vict. c. 43. s. 12.

(1.) In all Cases within the Eighth, Tenth, and Eleventh Parts of this Act, the Place in which any Justice or Justices shall sit to hear and determine any Complaint shall be deemed an open Court, to which the Public generally may have Access, so far as the same can conveniently contain them:

(2.) In all Cases within the Ninth Part of this Act, the Place in which any Justice or Justices shall sit to take any Examination or Statement relating to any such Offence shall not be deemed an open Court for that Purpose

Place in which Proceedings for indictable Offences are heard not to

be deemed an open Court without Consent of Justice.
11 & 12 Vict. c. 42. s. 19.
14 & 15 Vict. c. 93. s. 9.

Purpose, but it shall be lawful for such Justice or Justices in his or their Discretion to order that no Person (the Counsel or Attorney of the Accused then being in such Court only excepted) shall have Access to or be or remain in such Place without the Consent or Permission of such Justice or Justices, if it appear to him or them that the Ends of Justice will be thereby best answered.

Parties to be allowed to have Counsel or Attorney.
11 & 12 Vict. c. 43. s. 12.

54. The Parties by and against whom any Complaint for any Offence or Matter of Complaint, or in respect to or on behalf of whom any Application is made to and before Justices, shall be at liberty and shall be admitted to conduct his Case, or make such Application, or to make their full Answer and Defence thereto respectively, and to have the Witnesses examined and cross-examined by Counsel or Attorney on their Behalf.

Justices may fine or commit for Contempt of Court.
14 & 15 Vict. c. 93. s. 9.

55. If any Person shall wilfully insult any Justice or Justices so sitting in any such Court or Place, or shall commit any other Contempt of any such Court, it shall be lawful for such Justice or Justices, by any verbal Order, either to direct such Person to be removed from such Court or Place, or to be taken into Custody, and at any Time before the rising of such Court, by Warrant (K.), to commit such Person to Gaol for any Period not exceeding Seven Days, or to fine such Person in any Sum not exceeding *Forty Shillings*, which in case of Nonpayment may be recovered as other Fines and Penalties are hereby made recoverable; but no Proceeding under this Section shall be subject to any Appeal.

Persons committing Perjury before Justices.
14 & 15 Vict. c. 100. s. 19.

56. The Provisions of Section Nineteen of the Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred, shall apply to any Person guilty of wilful and corrupt Perjury as therein mentioned before any One Justice, or before any Metropolitan Police or Stipendiary Magistrate, as well as before "Justices of the Peace in Special or Petty Sessions," as therein provided; and in every Case dealt with under the said Section it shall not be necessary to take in Writing any Depositions of Witnesses to prove the said Offence as in other Offences which are indictable.

Proceedings not prejudiced by Death of Prosecutor, &c.

57. No Proceeding in any Case before Justices shall be abated or prejudiced by the Death of the Complainant in such Case, or, if the Complainant be a Constable, by his Resignation or Removal; but all such Proceedings may be continued by the Representative or Successor of such Complainant.

PART VIII.

SUMMARY JURISDICTION.

General.

To what Cases and Matters this Part of Act shall apply.

58. The Provisions contained in this Part of this Act shall, so far as all or any of them can be made applicable in the particular Case or Matter, and shall not be inconsistent with the Provisions of any Act relating to such Case or Matter (or shall be expressly excepted in this Act), apply to the several Cases and Matters following, whether any of them are by Law required to be heard in Petty or Special Sessions or not; (that is to say,)

Summary Convictions.

(1.) Every Offence or Act for which the Defendant is liable by Law upon a Summary Conviction for the same, to be imprisoned or fined, or otherwise punished:

Complaints for Orders for Payment of Money or otherwise.

(2.) Every Complaint upon which Justices have Authority by Law summarily to make any Order for the Payment of Money or for the doing of some Act by the Defendant, or by any Society constituted according to Law, other than the Payment of Money:

Complaints for determining Compensation. 8 Vict. c. 18. 11 & 12 Vict. c. 43. ss. 1, 35.

(3.) Every Application or Complaint upon which Justices shall have Authority by Law summarily, to adjudge, award, or determine any Question or Amount of Compensation or Damages due or to be made or paid to or by any Person, Bodies Politic or Corporate:

Complaints for Local Rates or Taxes. 12 & 13 Vict. c. 14. 25 & 26 Vict. c. 82.

(4.) Every Application or Complaint upon which Justices have Authority by Law summarily and without making any previous Order, to issue their Warrant of Distress for the levying of any Sum of Money to which any Person is assessed, rated, or taxed in or by any Poor or Highway Rate or Assessment, or in or by any other Local Rate, Tax, or Assessment directed by any General or Local Act of Parliament to be enforced or recovered before Justices:

Surety for the Peace.

(5.) Every Complaint for Surety to keep the Peace or to be of good Behaviour:

Other Complaints.

(6.) Every other Application, Information, or Complaint upon which Justices have Authority by Law summarily to hear and determine any Cause or Matter of Complaint not herein-before specified:

Cases after Notice.

(7.) Any Case in which a Justice may act or exercise Jurisdiction upon or after Notice given by one Party to the other or otherwise, and where a Summons is by Law dispensed with:

Possession of Premises.

(8.) Proceedings in respect of the Recovery of the Possession of deserted Premises or small Tenements before Justices:

And the Cases mentioned in Paragraph (1.) shall for all Purposes be deemed Criminal Proceedings, and are herein-after termed "Offence Cases," and the Cases mentioned in the other Paragraphs shall for all Purposes be deemed Civil Proceedings, and are herein-after termed "Civil Cases."

Justices may hear Offence Cases where Offender is brought before them by a Constable;

59. If any Person be brought before a Justice in the Custody of a Constable charged in an Offence Case, such Justice need not inquire into the Legality or Illegality of the Apprehension, Arrest, or Detention of the Defendant, but may proceed to the Hearing of the Complaint, and adjudicate thereon, or in respect of any other Cause of Complaint which is supported by the Evidence adduced, as if the Defendant had appeared before him in obedience to a Summons, or had been brought before him by virtue of any Warrant.

or on voluntary Appearance of Defendant.

60. The Hearing of any Complaint and any Adjudication thereon may take place and be made in any Case where the Defendant thereto voluntarily appears personally or by his Counsel or Attorney, and consents to such Hearing (the Complainant being also present and consenting thereto), without any Summons in that Behalf being previously issued or served.

By Consent of Parties One Justice may hear and determine where Two required.

61. In any Case where by Law Two or more Justices are required to hear and determine the Offence or Matter of Complaint, any One Justice may, if both Parties to the Proceeding shall in Writing entered upon the Minutes consent thereto, hear and determine the same.

Time for objecting to the Jurisdiction of a Justice.

62. When any Objection is proposed to be made to the Competency or Jurisdiction of a Justice to hear and determine any Complaint (other than on the Ground of a Claim of Right or Title), such Objection, and the Grounds thereof, shall be made before the Examination of any Witness for the Complainant, and not afterwards.

What Course Justices are to take on Claim of Right or Title being made.

24 & 25 Vict. c. 100. s. 46.
24 & 25 Vict. c. 97. s. 52.
6 & 7 Vict. c. 30. s. 2.
19 & 20 Vict. c. 108. s. 25.

63. Whenever upon the Hearing of any Complaint any Question shall incidentally arise as to the Title to any Property, Lands, Tenements, or Hereditaments, or to any Toll, Fair, Market, or Franchise, or any Interest therein or accruing therefrom, or as to any Bankruptcy or Insolvency, or any Execution under the Process of any Court of Justice, or as to the Possession or Ownership of any Property, or as to the Obligation of repairing any Wall, Building, or Road, or as to the Right of the Defendant to commit the Offence or Act charged or complained of, and the Defendant shall in either of such Cases object, on Grounds to be stated, to the

Jurisdiction of the Justice or Justices to hear and determine the Complaint, the Justice or Justices shall forbear to proceed further (unless the Parties thereto shall consent in Writing to the Justices determining the Complaint), and the Proceedings before them shall be at an end.

Certain Provisions of 17 & 18 Vict. c. 125. as to Evidence to apply to Civil Cases.

64. Sections Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-six, and Twenty-seven of "The Common Law Procedure Act, 1854," shall extend to such of the Proceedings of this Part of this Act as shall relate to Civil Cases.

Hearing Cases.

Proceedings upon hearing Cases:

65. The Proceedings upon hearing of Complaints shall be subject to the following Provisions:

Where both Parties appear Case to be heard on both Sides.

14 & 15 Vict. c. 93. s. 20.

11 & 12 Vict. c. 43. ss. 13, 14.

(1.) Whenever the Defendant or his Counsel or Attorney shall be present the Substance of the Complaint shall be stated to him, and if he thereupon admit the Truth of the Complaint, then the Justice shall, if he shall see no sufficient Reason to the contrary, convict or make an Order or other Adjudication against him accordingly; but if he do not admit the Truth of the Complaint then the Justice shall proceed to hear any Observations of the Counsel or Attorney of the Complainant, and then such Evidence as may be adduced in support of the Complaint, and also to hear the Defence, and such Evidence as may be adduced on behalf of the Defendant, and also such Evidence as the Complainant may adduce in reply, if such Defendant shall have given any Evidence other than as to his the Defendant's general Character; but the Complainant or his Counsel or Attorney shall not be entitled to make any Observations in reply upon the Evidence given by the Defendant, nor shall the Defendant or his Counsel or Attorney be entitled to make any Observations in reply upon the Evidence given by the Complainant in reply; and if the Complaint shall negative any Exemption, Exception, Proviso, or Condition in the Statute on which the same shall be framed, it shall not be necessary for the Complainant to prove such Negative, but the Defendant may prove the Affirmative thereof, if he will have Advantage of the same:

No Right of Reply.

Proof of a Negative not necessary.

Where Defendant does not appear Hearing may be ex parte.

(2.) Whenever the Defendant or his Counsel or Attorney shall not appear at the Time and Place mentioned in the Summons, and it shall appear to the Justice on Oath (or Affidavit, if the Service was made at a Distance under Section Forty-three of this Act) that the Summons was duly served a reasonable Time before the Time therein appointed for appearing, and no sufficient Grounds shall be shown for an Adjournment, the Justice may either proceed ex parte to hear and determine the Complaint, or may adjourn the Hearing to a future Day, and issue his Warrant for the Apprehension of the Defendant:

Where Complainant does not appear Case to be dismissed or adjourned.

(3.) Whenever the Defendant or his Counsel or Attorney shall appear at the Time and Place appointed in the Summons, or shall be brought before the Justice by virtue of any Warrant, then, if the Complainant (having, in the Case of a Warrant, had due Notice of the Defendant's Arrest, either from the Constable or Clerk to the Justices) do not appear by himself or his Counsel or Attorney, the Justice may either dismiss such Complaint, or may adjourn the Hearing to a future Day:

Justice to take down Evidence in Offence Cases in Writing.

(4.) Whenever any Justice shall proceed to hear and determine any Complaint he shall take or cause to be taken in Writing Minutes of the Evidence, or of so much thereof as shall be material, in a Book to be kept for that Purpose by the Clerk to the Justices, and which Minutes shall at the same Time be signed or initialed by the Justice by whom such Complaint is heard, or by the Clerk to the Justices:

Adjournment of Court generally.

(5.) Whenever all the Cases shall not have been heard and determined on any Day appointed, the Justice then present may adjourn the remaining Cases to such other Day as he shall see fit:

Justice may require personal Appearance of Defendant.

(6.) Whenever the Justice shall deem it expedient in an Offence Case that the Defendant shall personally appear at such Hearing for the Purpose of Identification or otherwise, he may (whether the Defendant appears by Counsel or Attorney or not) adjourn the Hearing to a future Day, and issue his Warrant for the Apprehension of the Defendant:

Hearing where joint Defendants.

(7.) Whenever there are Two or more Defendants in the same Complaint, the Charge or Matter of Complaint may be heard against all together, or each separately, in the Discretion of the Justice; but if One or more plead Guilty, such One or more may be examined as a Witness or Witnesses for the other or other Defendants, either before or after the Justice shall have adjudicated upon such Defendant or Defendants so being such Witness or Witnesses:

When a Difference of Opinion amongst the Justices.

(8.) Whenever there shall be a Difference of Opinion amongst the Justices present at such Hearing, and who interfere or act therein, the Complaint shall be determined by the Majority of such Justices, if more be present than the

Number required by Law to determine such Complaint, or if only such Number be present, then all of them must agree in the same Opinion, or the Hearing be adjourned.

Adjudication upon Cases.

Adjudicating upon Cases: 14 & 15 Vict. c. 93. s. 21. 11 & 12 Vict. c. 43. s. 14. Justices either to convict or to dismiss the Complaint on the Merits or without Prejudice.

66. In all Cases the Justice, having heard what each Party has to say, and the Evidence adduced by each, shall either make such Conviction, Order, or other Adjudication (herein-after called the "Decision") as shall be authorized by the Act under which the Complaint is made, or shall dismiss the Complaint, either upon the Merits or without Prejudice to its being again made, or for some reasonable Cause may decline to make any Adjudication upon the Complaint; and an Entry of such Decision shall (except in Complaints for Local Rates or Taxes) be made as follows:

Entry of Convictions, Orders, &c.

(1.) The Clerk to the Justices shall thereupon enter the Particulars of such Case, with the Number, if any, originally attached to the Complaint, and the Substance of the Decision thereon, and the Names of the Justices or the required Number of them making such Decision, in a Book to be kept for that Purpose, to be called the "Register of Decisions," (G.) and shall, in case of a Dismissal, state whether the same is upon the Merits, or without Prejudice to a further Complaint; and such Entry, when the Justice or Clerk to the Justices shall have signed his Name opposite to it, or after it, (which he, or, where more than One is present, One of the said Justices is hereby required to do,) shall be deemed to all Intents and Purposes a Conviction, Order, or other Adjudication, as the Case may be; and on a subsequent Conviction of the same Defendant for a subsequent Offence, such Entry or a Copy thereof, certified by the Clerk to the Justice (H b.), shall be sufficient Evidence to prove a Conviction for the former Offence, in the same Way as such Conviction or certified Copy may now be received in Evidence; and the Conviction shall be presumed to have been unappealed against until the contrary be shown:

If Conviction, &c. made out of Petty Sessions.

(2.) Whenever any Justice shall make any such Decision out of Petty Sessions in the Cases permitted by this Act to be decided out of Petty Sessions, he shall either enter or cause to be entered by the Clerk to the Justices the same in the "Register of Decisions" in manner aforesaid, or shall enter the Substance of the Decision in the Form of Certificate (H a.), and shall forthwith, or at the furthest before the next Meeting in Petty Sessions, deliver or forward such Certificate to the Clerk to the Justices, who shall enter the same in the said Register and sign the same (with a special Note why he has so done), and shall preserve the original Certificate as his Voucher for so doing:

Returned Entry of Cases decided out of Petty Sessions in which Constables prosecute or act.

(3.) The Superintendent or Constable of the District shall make a Return to the Justices at each Petty Sessions of the Particulars of any Cases in which any Justice of the Sessional Division shall have made any Decision or issued any Warrant out of Petty Sessions, and in which any Constable of such District or any Parish in such District shall have been engaged, since the next preceding Petty Sessions:

(4.) Such Register may be inspected by any Justice, or by the Clerk of the Peace, at all reasonable Times:

Convictions, &c. need not be returned to Quarter Sessions as hitherto, but Certificate to be given to Party.

Dismissal on the Merits to be a Bar to future Proceedings.

24 & 25 Vict. c. 100. s. 44.

And it shall not hereafter be necessary to lodge with the Clerk of the Peace any Conviction, Order, or other Adjudication so made and entered; but if either Party shall require it, a Copy of any Entry of any Decision so made in the aforesaid "Register of Decisions," (certified and signed H a., or H b., by the Justice who made the same, or by any other Justice of the same Petty Sessions, or by the Clerk to the Justices, to be a correct Copy,) shall be delivered to him at any Time on Payment of the proper Fee for the same; but this Enactment shall not prevent the Justice drawing up or signing a more formal Order, either in the Statutory Forms now in use, or in the Form (Y.), in Cases of Bastardy, or Special Cases, when either of the Parties shall require it: And in case of a Dismissal, where the same shall be stated therein by the Justice to have been a Dismissal on the Merits, or that any Assault was of a trifling or justifiable Nature (and which he is hereby required to state if the Case be so, and the Complaint was made by or on the Behalf of the Party aggrieved), such Certificate, upon being produced, shall be a Bar to any subsequent Complaint or Proceeding, civil or criminal, for the same Matters respectively against the same Party.

General Powers of Justices in adjudicating.
14 & 15 Vict. c. 93. s. 22.

67. In all Cases under this or any other Act the Justice adjudicating on any Complaint may exercise the following general Powers, whether the same or any of them shall be authorized by the Act under which the Complaint is made or not:

To state Terms of Decision publicly.

(1.) He shall state the Terms of his Decision, and the Mode of enforcing it, in the Presence of the Parties, their Counsel or Attorneys; but in Civil Cases the Term of Imprisonment in default of Payment or Distress, if not stated at the

Time, is to be determined by the Justice (subject to this Act) enforcing the Decision :

(2.) In every Case where the Justice is authorized to award any Penalty or other Sum, or any Sum for Costs or otherwise, he may direct that the same, together with the Costs of the other Party, shall be paid forthwith, or at such Time as he shall see fit to fix for that Purpose :

Fix the Time and Manner of Payment.
11 & 12 Vict. c. 43. s. 23.

(3.) In Civil Cases, and also in Cases where any Sums are declared forfeited upon a Recognizance estreated under this Act, the Justice may allow and direct that the Sum awarded or forfeited be paid by Instalments ; and in default of Payment of any Instalment, the whole Amount due may be enforced, or the Amount of the Instalment or Instalments in arrear only, in the same Manner as the full Amount ordered to be paid, and so from Time to Time until the full Amount ordered to be paid is, with all Costs, fully paid and satisfied :

Enforcing Sum when payable by Instalments.

(4.) A Justice may, in any Case of Assault or other Offence in which a Breach of the Peace has or may be occasioned, require the Defendant to be bound by Recognizance, with or without Surety or Sureties, to keep the Peace or to be of good Behaviour, in lieu of adjudging any Penalty or Imprisonment :

Recognizance in certain Cases in lieu of Penalty, &c.

(5.) In Cases of Surety to keep the Peace or to be of good Behaviour, required under this or any other Act, the Justice shall not require the Recognizance to be entered into, or Surety or Sureties found, for a longer Period than Twelve Months ; but he may in default commit the Party to Prison for the Period so required, unless the Recognizance and such Surety or Sureties be sooner entered into or found :

Limitation of Time for Surety to keep the Peace, &c.
16 Vict. c. 30. s. 3.

(6.) When any Person whose Age does not exceed the Age of *Sixteen* Years is convicted as an idle and disorderly Person, or a Rogue and Vagabond, or of any Offence under the Acts of the 24th and 25th Years of Her Majesty, Chapters 96, 97, and 100, the Justice may adjudge him to be once privately whipped with a Birch Rod, by some Constable verbally named by the Justice, either instead of or in addition to the Penalty or Imprisonment adjudged; the Number of Strokes inflicted not being more than Twelve when the Age of the Offender does not exceed Fourteen Years, and not more than Twenty-five when above that Age, such Number to be in all Cases named at the Time of Conviction :

May order Offenders under 16 to be whipped.
24 & 24 Vict. c. 96, 97, 100.
25 Vict. c. 18.
26 & 27 Vict. c. 44.

Costs may be awarded in all Cases. 11 & 12 Vict. c. 43. s. 18.

(7.) In all Cases the Justice may order the Defendant to pay to the Complainant such Sum for Costs as he shall deem fair and reasonable, and such Costs may (except in Complaints for Rates or Taxes) include Compensation to the Complainant for his and his Witnesses Loss of Time and Expenses, and the Fee of his Counsel or Attorney :

Costs where Imprisonment only adjudged. Id. s. 24.

(8.) In Offence Cases where Imprisonment only is adjudged, the Justice may order the Defendant to be imprisoned for the Costs for an additional Period (according to the Scale set out in Section 68,) to that authorized by the Act on which the Complaint is founded :

Costs where Order is obeyed otherwise.

(9.) In Civil Cases where the Defendant is ordered to do some Act other than paying Money, and he obeys such Order, except as to the Costs, the Amount of Costs ordered shall be recovered as in Paragraph 17 of this Section is provided for the Recovery of Costs separately :

Costs on Dismissal of Complaint. Id. s. 26.

(10.) In every Case of Dismissal of a Complaint the Justice may order the like Costs to be paid by the Complainant to the Defendant, and also in Cases where for some reasonable Cause he declines to make any Adjudication upon a Complaint, he may order the like Costs to be paid by either Party to the other, and the Amount thereof shall be recovered as in Paragraph 17 of this Section is provided for the Recovery of Costs separately :

Costs on Adjournment of Hearing.

(11.) In every Case of an Adjournment of the Hearing, and the Justice shall order as Part of the Terms of such Adjournment that either Party shall pay to the other any Sum for Costs, the Amount thereof (if not paid at the Time) shall be recovered as in Paragraph 17 of this Section is provided for the Recovery of Costs separately :

Recovery of Costs only.

(12.) In all other Cases where any Sum for Costs only may under any Act be ordered by a Justice to be paid by any Person, the Amount thereof shall be recovered as in Paragraph 17 of this Section is provided for the Recovery of Costs separately :

Each Offender liable to full Amount of Penalty, &c.

(13.) In Offence Cases where several Persons are convicted of having committed the same Offence together, and at the same Time and Place, or of being accessory thereto, each of such Persons (except in the Case of Partners in Business or Trade charged with some Offence in connexion with such Business or Trade when only One of such Partners shall be made the Defendant) shall be liable to the same Penalty or Punishment as if only One Person had committed such Offence or had been accessory thereto, or had been charged or convicted thereof :

(14.) Whenever

Justice may in certain Cases adjudge Party to make Compensation in default of doing an Act.
24 & 25 Vict. c. 99. s. 26. and Friendly Societies Acts.

(14.) Whenever by any Act a Justice is authorized to determine any Matter or Dispute, or to make any Order thereon, and such Act contains no Provision for enforcing such Determination or otherwise, such Justice may further adjudge by the same Proceeding the Defendant or Party thereto to do any Act upon which such Matter or Dispute depends or has arisen, and in default of the doing of such Act to pay to the other Party, as Amends or Compensation, such a Sum of Money as the Justice shall think fit, and which Sum shall be recoverable as Penalties and other Sums are hereby made recoverable; but nothing in this Enactment shall prevent any Proceeding by Indictment or Action at Law against such Defendant or Party, except that no Person shall be proceeded against by Indictment or Action if an Adjudication shall have been previously obtained for the same Cause under this Enactment:

Justices may mitigate certain Penalties.
2 & 3 Vict. c. 71. s. 35.
22 & 23 Vict. c. 14.

(15.) In Offence Cases where by any Act a fixed or limited Penalty or Term of Imprisonment is authorized to be imposed on a Defendant upon Conviction, the Justice may mitigate such Penalty or Term of Imprisonment in such Manner as he may think fit; but where any Act provides that the Penalty is to be of not less than a particular Sum of Money, or the Term of Imprisonment is not to be for less than a certain Period, the Justice shall not, under this or any other Enactment, or under any like Power conferred on Justices by any Local or Private Act of Parliament, mitigate such Penalty or Term below the Limit specified in such first-mentioned Act:

Imprisonment in Gaol substituted for the Stocks.
21 Jac. 1. c. 7. ss. 1, 3.
29 Car. 2. c. 7.
1 Car. c. 1.

(16.) In Offence Cases where, by any Act now in force, Authority is given to a Justice to order a Defendant to be set in or committed to the Stocks, the Justice shall instead thereof (if the Penalty and Costs adjudged be not paid forthwith or at the Time stated for the Payment of the same, if Time be allowed), without issuing any Warrant of Distress, commit the Defendant to Gaol for any Time not exceeding *Seven Days*, unless the Amount thereof be sooner paid:

Penalties, Costs, and other Sums levied by Distress or not, at Justice's Discretion.

(17.) In every Case (except on Complaints for Rates or Taxes, Wages or Compensation, only) where the Justice shall award any Penalty or other Sum to be paid, or any Sum for Costs, which, under this Section, must be recovered separately, he may order that, in default of the said Sum being paid at the Time and in the Manner directed, either that the Defendant or other Person be imprisoned, or that his Goods (whether within the Jurisdiction of such Justice or not) be distrained (I.) for such Sum, or for so much of such Sum, as shall remain unpaid at the Time fixed, and also for the Costs of such Distress:

Imprisonment in default of Distress.
11 & 12 Vict. c. 43. s. 22.
21 & 22 Vict. c. 73. s. 5.

(18.) In every Case where a Justice shall order that a Distress shall be made (which he shall do in adjudicating upon Complaints for Rates or Taxes, Wages or Compensation, only) in default of Payment of any Penalty or other Sum, he may order that in default of the said Sum being recovered or paid the Defendant or other Person shall be imprisoned for any Term not exceeding the Period specified in the Scale in Section Sixty-eight:

Imprisonment where no Goods, or Distress would be ruinous.
11 & 12 Vict. c. 43. s. 19.

(19.) In every Case where a Justice shall order such Distress, if the Defendant or other Person admits, or if it is otherwise proved, that he has no sufficient Goods, or that a Distress would be ruinous to him or his Family, he may order that the Defendant or other Person shall be imprisoned in the first instance for the like Period for which he might be imprisoned in default of Distress:

Where Distress ordered Party may be detained or bailed.
11 & 12 Vict. c. 43. s. 20.

(20.) Where a Distress shall be ordered, the Justice may suffer the Defendant or other Person to go at large, or verbally or by a written Warrant order him to be kept and detained in safe Custody until Return shall be made to the Warrant of Distress, unless he shall give sufficient Security by Recognizance or otherwise for his Appearance at the Return of such Warrant, and which Recognizance when taken shall be entered in the "Recognizance Book" (W. a.):

In Offence Cases Justices at Petty Sessions may substitute Distress for Committal, and vice versâ, on Failure of First Warrant.

(21.) In Offence Cases where the Decision shall only have directed Distress in default of Payment, and it shall afterwards be found impossible to execute a Warrant of Distress, the Justices at Petty Sessions may order a Warrant to issue to commit the Defendant to Gaol for such Period as directed by the original Decision; and in like Manner where the Decision directed Imprisonment, and it shall be found impossible to execute a Warrant of Commitment, the Justices at Petty Sessions may order a Warrant to issue to levy by Distress of the Goods of the Defendant the Sum awarded by the original Decision; and in all such Cases a Note of such Proceeding shall be made by the Justices or their Clerk in the "Register of Decisions":

Power to award Hard Labour in Offence Cases.

(22.) In Offence Cases where the Act shall authorize the Justices to order Imprisonment, they may adjudge by their Decision that the said Imprisonment shall be either with or without Hard Labour, according as they shall see fit:

Consecutive Terms of Imprisonment.
11 & 12 Vict. c. 43. s. 25.

(23.) In Offence Cases where the Defendant is convicted at the same Time and Place of Two or more Offences, and whether he shall then actually be in Prison undergoing Imprisonment for any other Offence or not, the convicting

Justice, if he shall think fit, may by the Decision direct that the Imprisonment shall commence at the Expiration or other sooner Determination of the Imprisonment to which such Person shall have been previously sentenced upon any other Decision or Decisions:

(24.) In Offence Cases where the Complaint shall not be further prosecuted by the Complainant who is not the Party personally aggrieved by the alleged Offence, or in which, if further prosecuted, it shall appear to the Justice that there was no sufficient Ground for making such Complaint, he may, in addition to dismissing the same, order any Sum not exceeding *Five Pounds* to be paid by such Complainant to the Defendant for his Loss of Time, Costs, and Expenses in the Matter:

Amends may be ordered for frivolous Complaints. 2 & 3 Vict. c. 71. s. 32. 22 & 23 Vict. c. 14.

(25.) In Offence Cases, if a Complainant who is not the Party personally aggrieved by the alleged Offence shall, after making the Complaint directly or indirectly receive, without the Permission of a Justice (or the Justice before whom such Complaint is appointed by the Summons to be heard), any Sum of Money or other Reward for compounding, delaying, or withdrawing such Complaint, any Justice may (after issuing such Process to the Complainant as in this Act is directed in Offence Cases), on Proof of such Offence of Compounding, Delay, or Withdrawal, adjudge such Complainant to pay a Penalty of not exceeding *Ten Pounds.*

Penalty on common Informer for compounding Complaint. 2 & 3 Vict. c. 71. s. 33. 22 & 23 Vict. c. 14.

68. Wherever Justices shall, under the last Section or under any Act, adjudge the Defendant or any other Person to be imprisoned in default of Payment of any Sum whatever, (whether any Period of Imprisonment is mentioned or provided in such Case in the Act under which the Complaint is made, or not,) or in default of paying, or of Distress for the Amount of any Recognizance forfeited or estreated under this Act, such Imprisonment shall be for any Term not exceeding the Period specified in the following Scale:

Scale of Imprisonment in default of Payment of Penalty, Sum, Costs, Instalment, or of Distress.

For any Sum—	The Imprisonment not to exceed—
Not exceeding One Pound - - -	*Fourteen Days.*
Exceeding the last, but not exceeding Two Pounds - - - - -	*One Month.*
Exceeding the last, but not exceeding Five Pounds - - - - -	*Two Months.*
Exceeding the last, but not exceeding Ten Pounds - - - - -	*Four Months.*
Exceeding the last, but not exceeding Fifty Pounds - - - - -	*Six Months.*
Exceeding the last - - - -	*Twelve Months.*

14 & 15 Vict. c. 93. s. 22. para. 3. *See also* 24 & 25 Vict. c. 96. s. 107. 24 & 25 Vict. c. 97. s. 65.

And every such Imprisonment shall be subject to the following Provisions:

Imprisonment subject to certain Provisions.

(1.) The Period shall commence on the Day on which the Defendant or Person is apprehended or detained under the Warrant of Commitment, but if he is received at the Gaol on any Day subsequent to the Date of such Warrant, the Constable executing the same shall indorse thereon the Date of such Execution by him.

(2.) It shall be determinable upon Payment of the Sum or Sums mentioned in the Warrant of Commitment (J.):

(3.) It shall operate as a Discharge and Release to the Defendant or Person from any further Liability whatsoever in respect of the Offence or Matter of Complaint or Cause of Commital respectively.

Minute of Order, &c. to be served in certain Cases previous to enforcing Decision.

11 & 12 Vict. c. 43. s. 17.

69. In Civil Cases (except Complaints for Rates or Taxes), whenever the Defendant shall not appear by himself, his Counsel or Attorney, at the Time of the making of the Decision, a Minute of the Decision, signed by the Clerk to the Justices, and in Cases of Bastardy a Duplicate of the Order, shall be served on the Defendant, and the Service thereof proved in like Manner as is herein-before required and provided in the Case of a Summons to a Defendant; and also in such Cases, whenever the Amount ordered is payable at a stated Period or Periods thereafter, and is not ascertained or due by or at the Time of the Decision, a Complaint of the Sum due thereunder, and Process to answer the same, shall be made and issued before any Warrant of Commitment or of Distress is issued to enforce Obedience to such Decision; and, except as herein-mentioned, no Demand of a Penalty or other Sum shall be necessary before enforcing any Decision of a Justice.

No Limit of Time for enforcing Adjudication.

70. Any Decision adjudging Payment of any Sum may be enforced at any Time after the making thereof, unless the particular Act shall provide any Limit in that Behalf, and whether the convicting Justices be dead or not, or be then in the Commission of the Peace for the same Jurisdiction.

Manner of accounting for Penalties or Sums received by Gaolers and others.

11 & 12 Vict. c. 43. s. 31.

71. The Manner in which Penalties or other Sums for Costs, forfeited Recognizances, or otherwise, shall be accounted for, shall be as follows:

(1.) All such Penalties or Sums shall if paid in the first instance be paid to the Clerk of the Justices, who shall give a Receipt for the same:

(2.) Every Gaoler shall keep a true and exact Account of all Monies received by him under Commitments of Justices, and shall on the First Day of every Month render a fair Copy of such Account to such Clerk:

72. The

(3.) Any Gaoler, Constable, or other Person receiving any Sum under any Commitment of Justices shall forthwith pay the same to such Clerk, and in default thereof the same shall be recovered as Sums are by Section 29 of this Act directed to be recovered from such Clerk:

(4.) If Payment of any Sum shall be made to such Clerk, and the Defendant or Person shall then be in Gaol, such Clerk shall forthwith notify such Payment to the Gaoler, who shall thereupon, without further Authority, discharge such Defendant or Person from the Commitment in that Behalf:

(5.) All Penalties or Sums so received by such Clerk (the Period of accounting for or paying over which is not provided for by Sections 28 and 77 of this Act), shall be paid by him to the Party or Parties entitled to the same respectively under this or any other Act, within One Month after the same shall be so received, who shall give a Receipt for the same.

Time and Manner of enforcing Decisions:

72. The Time and Manner of enforcing any Decision of a Justice shall be subject to the following Provisions:

Nonpayment certified.

(1.) In any Case where a Penalty or Sum is adjudged to be paid it shall be sufficient for the Clerk to the Justices to certify verbally the Nonpayment thereof to the Justice proposing to enforce such Decision:

In Offence Cases. 14 & 15 Vict. c. 93. s. 23. 11 & 12 Vict. c. 43. s. 24., &c.

(2.) In Offence Cases the proper Warrant, when the Imprisonment is to take place immediately, shall be issued forthwith, but when it is not to be immediate or directly upon the Nonpayment of any Penalty or other Sum, or the Performance of any Act or Condition, at the Time and in the Manner fixed by the Decision for that Purpose, unless the Imprisonment or Penalty or other Sum shall have been remitted by the Crown or other competent Authority in the Interval, or the Justice shall think it expedient to delay the issuing of the Warrant:

In Civil Case on Application of Party.

(3.) In Civil Cases, where the Decision shall not be obeyed, the Justice shall issue the proper Warrant for its Execution at any Time after the Time fixed for Compliance with its Directions, where required so to do by the Person in whose Favour such Decision shall have been made, or by some Person on his Behalf:

No Execution pending an Appeal except in certain Cases; or if Warrant issued, not to be executed;

(4.) In every Case where the Party being entitled to appeal against any Decision shall have duly given Notice thereof, and entered into a Recognizance to prosecute the same in the Manner herein-after provided, it shall not be lawful for any Justice to issue any Warrant to execute the Decision until such Appeal shall have been decided, or until the or if executed, Party to be discharged or Distress to be returned.

Appellant shall have failed to perform the Condition of such Recognizance, as the Case may be (except where any Act shall expressly authorize or direct the Levy of any Sum to be made, notwithstanding the Appeal); and in any Case where any Person shall be in Custody or shall have been committed to Gaol, or any Warrant of Distress shall have been issued or executed under any such Decision, the Justice by whom the Warrant shall have been issued, or any other Justice of the same County or Place, shall, upon an Application being made to him in that Behalf, forthwith order the Discharge of such Person from Custody or from Gaol, or that such Warrant of Distress shall not be executed, or that, if executed, the Distress shall be returned to the Owner, as the Case may be:

Costs of conveying Party to Gaol to be added.

(5.) The Justice issuing any Warrant of Commitment to enforce any Decision may in and by such Warrant direct the Costs and Charges of the Commitment and conveying of the Defendant or other Person to Gaol (the Amount thereof being ascertained and stated in such Warrant) to be added to the other Sum or Sums therein mentioned:

Justice may lodge corrected Commitment where Error discovered.

(6.) If any Error or Defect shall be discovered in any Warrant of Commitment, the Justice signing the same may at any Time during its Operation sign and cause to be lodged with the Gaoler a corrected and substituted Warrant:

When Warrant to include all the Defendants.

(7.) Wherever the same Term of Imprisonment only is imposed or adjudged on each of several Defendants in the same Complaint, One Warrant of Commitment shall suffice; but in all other Cases there shall be a separate Warrant for each Defendant committed to Gaol:

Forms.

(8.) The Forms of Warrants of Distress and Commitment to be used shall be I., I. a., J., and J. a. in the Second Schedule hereto respectively applicable to the particular Case.

Appeals against Judgments.

Two Modes of appealing allowed in certain Cases.

73. In the Cases herein-after mentioned the Parties respectively shall be entitled to appeal against the Decision of any Justice or Justices in either of the Two following Modes (but not both); that is to say,

When to Quarter Sessions.

(1.) The Complainant or Defendant, in every Case in which he is now by Law entitled to appeal to the Quarter Sessions, and also the Defendant in all other Cases where the Decision in any Offence Case adjudges Payment of any Sum exceeding Five Pounds, or any Term of Imprisonment exceeding One Month, or such Decision takes place before One Justice only, or where any Order is made for the estreating of any Recognizance to a greater Amount than

14 & 15 Vict. c. 93. s. 24.
2 & 3 Vict. c. 71. s. 50.
2 & 3 Vict. c. xciv. s. 101.
24 & 25 Vict. c. 96. s. 110.

than Five Pounds (but in no other Case), shall (unless in the last-mentioned Cases the particular Act shall expressly enact that the Adjudication or Determination of the Justice or Justices shall be final and conclusive) be entitled to appeal on the Facts or Law, or both, to the next Court of General or Quarter Sessions, which shall be holden not less than *Fourteen Days* after the Day of such Decision being made for the County or Place wherein the same was made:

When to a Superior Court.
20 & 21 Vict. c. 43.

(2.) Either Party in any Complaint before a Justice which he has by Law heard and determined in a summary Way, if such Party be dissatisfied with the Decision as being erroneous in Point of Law, or in respect of the Admission or Rejection of any Evidence, may appeal to any One of the Superior Courts of Law at Westminster which he shall elect and name:

And the Party appealing in every such Case is herein and shall be called the "Appellant," and the other Party the "Respondent."

Procedure on Appeal to Quarter Sessions.

74. Such Appeal to the General or Quarter Sessions shall be subject to the following Provisions (whether the same or other Provisions shall, in the Cases wherein an Appeal is already allowed, be contained in the Act allowing such Appeal or not), which shall be deemed to be read as and substituted for Section One hundred and ten of the Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Ninety-six, wherever the same is incorporated in any Act:

Notice to be given within Four Days.
14 & 15 Vict. c. 93. s. 24.
24 & 25 Vict. c. 96. s. 110.

(1.) The Appellant shall serve Notice in Writing of his Intention to appeal, and of the Cause and Matter thereof, upon the Clerk to the Justices, not later than the *Fourth* Day after the Date of the Decision against which the Appeal is made:

Recognizance to prosecute Appeal.
Amount of Recognizance.

(2.) He shall also, within *Three Days* after such Notice as aforesaid, enter into a Recognizance (W b) before some One Justice, with Two solvent Sureties, conditioned to prosecute such Appeal; and the Amount of such Recognizance shall be double the Amount of the Sum and Costs ordered to be paid where Payment only is ordered, or of such reasonable Amount as the Justice shall see fit where Imprisonment is ordered; or if the Appeal be in any Case where Payment only is ordered, the Appellant shall deposit with the Clerk to the Justices such a Sum of Money as such Justice shall deem sufficient to cover the Sum ordered to be paid, together with the Costs of the Appeal; which Deposit shall be retained by such Clerk until he shall be further directed as to its Application:

Form of Appeal to be given to Appellant.

(3.) Whenever the Appellant shall have given such Notice, and entered into such Recognizance, or made such Deposit, there shall be delivered to him the Form of Appeal (L) containing a Certificate of the Decision against which he appeals (signed by the Justice who shall have made the same, or by any other Justice of the same Petty Sessions, or by the Clerk to the Justices); and it shall also be therein certified by the Clerk to the Justices that the said Notice was duly given, and that the said Recognizance was duly entered into, or such Deposit made, if the Fact shall be so; and if the Appellant is in Custody he shall be liberated, as provided in Paragraph (4.) of Section 72.

Justices may bind over Witnesses to support Decision in certain Cases.
5 G. 4. c. 83. s. 9.
8 & 9 Vict. c. 109. s. 20.
2 & 3 Vict. c. 71. s. 50.
16 & 17 Vict. c. 119. s. 13.
17 & 18 Vict. c. 38. s. 10.

(4.) The convicting Justice, after the Notice of Appeal and Recognizance have been given and entered into against any Decision for any Offence under the Acts relating to Vagrants, Betting or Gaming Houses, or any Decision in Offence Cases of a Metropolitan Police Magistrate, may, if he think fit, require by Summons or verbally the Respondent, the Constable by whom the Offender was apprehended, and any Person who shall have been examined on the hearing of the Complaint, and whose Evidence shall appear to such Justice to be material to support the Decision appealed against, to be bound in sufficient Recognizances (W b) to appear and defend the Appeal, and be examined at the Hearing thereof; and in case any Person shall refuse to enter into such Recognizance the Justice may commit such Person to Gaol, there to remain until he shall enter into such Recognizance or shall be otherwise discharged by due Course of Law; and every such Person, on producing the Notice of such his Recognizance under the Hand of the Justice or the Clerk to the Justices, shall be allowed Compensation for his Time, Trouble, and Expenses in defending and attending the Appeal, to be ascertained by the Sessions, which Compensation shall be paid in the first instance by the Treasurer of the County or Place in like Manner as in Cases of Misdemeanor under the Provisions of the Act of the Seventh Year of King George the Fourth, Chapter Sixty-four, and of any Act amending the same; and in case the Appeal be dismissed and the Decision confirmed the Amount of such Compensation shall be repaid to the said Treasurer by the Appellant and recovered as and with other Costs, as herein-after provided:

Recognizance to appeal to be transmitted to Clerk of the Peace.

(5.) In every Case where an Appeal is so made the Clerk to the Justices shall transmit the Recognizance (W b) entered into to prosecute such Appeal, and Copies of the Proceedings in such Case, to the Clerk of the Peace of the County or Place at least Seven Days before the Commencement of the Sessions to which the Appeal is made, or as soon afterwards as may be practicable, and shall also deliver or send by Post or otherwise to the Respondent Notice of such Appellant having perfected such Recognizance within Three Days after the same shall have been done:

Appellant to give Notice to opposite Party.

(6.) The Appellant shall (unless he shall have abandoned his Appeal, and previously given Notice thereof to the Clerk to the Justices and the Respondent, and paid the Sums, if any, adjudged to be paid by such Appellant, and also the Costs of the Respondent incurred by reason of such Appeal,) give Notice in Writing to the Respondent of his Intention to prosecute his Appeal at least *Ten clear Days* before the Commencement of the Sessions to which the Appeal shall be made, and which Notice may be sent by the Post in the ordinary Way:

Court of Quarter Sessions may decide Appeal and give Costs.

Clerk of Peace to certify Decision to Justices Clerk;

or certify upon and return Recognizance if Appeal is cuted.

(7.) Whenever an Appeal is so made, and such last-mentioned Notice has been duly given, the Sessions may entertain the same, and confirm, vary, or reverse the Decision made by the Justices (as so certified in such Form of Appeal), and may award to either Party such Sum as they shall think fit for the Costs of such Appeal; and whenever the Sessions shall decide any such Appeal, the Clerk of the Peace shall certify such Decision, and the Amount of Costs ordered to be paid by either Party, at the Foot of the Form of Appeal, and return the same to the Clerk to the Justices of the Sessional Division or Place at which the Decision was made, within Seven Days after such Appeal is decided; and whenever any such Appeal has not been duly prosecuted, the Clerk of the Peace shall so certify upon such Recognizance and return the same to the Clerk to the Justices of the Sessional Division or Place from which the same was transmitted, within Seven Days after the Termination of the Sessions at which such Appeal ought to have been prosecuted; and a Minute of such Recognizance and Certificate shall be entered in the "Recognizance Book."

If Conviction, &c. quashed, Deposit to be refunded to Appellant.

(8.) Whenever it shall appear from such Certificate that the original Decision has been quashed, any Justice may verbally order the Clerk to the Justices to refund to the Appellant the Money so deposited by him as aforesaid.

Procedure on Appeal to a Superior Court:

75. The aforesaid Appeal to a Superior Court shall be subject to the following Provisions (which shall be deemed to be substituted for those contained in the Act of the Twentieth and Twenty-first Years of Her Majesty, Chapter Forty-three):

To apply to Justices within Four Days.

20 & 21 Vict. c. 43.

(1.) The Appellant shall make an Application in Writing, not later than the Fourth Day after the Date of the Decision against which the Appeal is made, to the adjudicating Justice (or One of the Justices, if more than One,) to state and sign a Case setting forth the Facts, and the Grounds of such Decision, for the Opinion of the Superior Court to be named in such Application, and which Court is hereinafter called "the Court:"

To enter into Recognizances to prosecute Appeal.
20 & 21 Vict. c. 43. s. 3.

(2.) The Appellant, at the Time of making such Application, or within *Three Days* after making the same, (and whether the Justice shall then have agreed to state or shall have stated such Case or not), enter into a Recognizance before some One Justice, with or without Surety or Sureties as the Justice shall determine, conditioned to prosecute without Delay such Appeal; and the Amount of such Recognizance shall be double the Amount of the Sum and Costs ordered to be paid where Payment only is ordered, or of such reasonable Amount as the Justice shall see fit where Imprisonment is ordered; or if the Appeal be in any Case where Payment only is ordered, the Appellant shall deposit with the Clerk to the Justices such a Sum of Money as such Justice shall deem sufficient to cover the Sum ordered to be paid, together with the Costs of the Appeal, which Deposit shall be retained by such Clerk until he shall be further directed as to its Application:

Deposit of Money in lieu of Recognizance.

If Appellant in Custody, to be discharged, &c.
Ib. s. 3.

(3.) If the Appellant (being the Defendant in the Proceeding before the adjudicating Justice) at the Time of entering into such Recognizance or making such Deposit shall be in Custody, he shall be liberated upon the Recognizance or Deposit being further conditioned for his Appearance at the Place and Time of holding Petty Sessions next after the Expiration of Ten Days after the Judgment of the Court shall have been given, to abide such Judgment, unless the Decision appealed against be reversed; and every such Recognizance shall be entered in the "Recognizance Book," as required by Paragraph (7.) of Section 127 of this Act; but the Enactments in this and the next preceding Paragraph shall not apply or extend to any Proceeding under the Direction of the Board of Trade, or under or by virtue of "The Merchant Shipping Act, 1854," or "The Merchant Shipping Act Amendment Act, 1862," or any Act amending the same:

25 & 26 Vict. c. 63. s. 65.

Justices may refuse a Case if Application frivolous.
20 & 21 Vict. c. 43. s. 4.

(4.) If the Justice be of opinion that the Application for a Case is merely frivolous, but not otherwise, he may refuse to state a Case, and shall, on the Request of the Appellant, sign and deliver to him a Certificate of such Refusal (M b); provided that the Justice shall not refuse to state a Case where Application for that Purpose is made to him by or under the Direction of Her Majesty's Attorney General:

Where Justice refuse

(5.) Where the Justice refuses to state a Case, the Appellant may apply to the Court of Queen's Bench, upon an Affidavit of the Facts, for a Rule calling upon such Justice and also upon the Appellant to show Cause why such Case should not be stated; and the said Court may make the same absolute, or discharge it, with or without Payment of Costs, as to the Court shall seem meet; and the Justice, upon being served with such Rule absolute, shall state a Case accordingly, upon the Appellant entering into such Recognizance or making such Deposit as is provided in Paragraph (2.) of this Section:

Court of Queen's Bench may order Case to be stated. Ib. s. 5.

(6.) If the Justice agrees or shall under the last Provision be ordered to state a Case, the same shall be prepared by the Clerk to the Justices (M a), and, if the Justice think fit, be submitted to or approved by the respective Parties, their Counsel or Attorneys, and shall be signed by the Justice and delivered as soon as practicable to the Appellant or to his Attorney on Payment of the Fees payable to such Clerk in respect thereof as set forth in the Table of Fees in the First Schedule hereto; and such Clerk shall endorse his Name and Residence upon such Case:

Case to be prepared by Clerk to Justices, and delivered to Appellant on Payment of Fees. Ib. s. 3.

(7.) The Appellant shall, within Three Days after such Delivery of such Case, transmit the same to the Court, and within the same Period shall send Notice in Writing, by the Post or otherwise, of such Case being stated, with a Copy of such Case, to the Respondent; or such Notice and Copy may be delivered to the Attorney for the Respondent who is willing to accept the same on his Behalf:

Appellant to send Notice and Copy Case to opposite Party. 20 & 21 Vict. c. 43. s. 2.

(8.) The Superior Courts may from Time to Time, and as often as they shall see Occasion, make and alter Rules and Orders to regulate the Practice and Proceedings in reference to Cases stated under this Section; but until such Rules and Orders shall be made, the Rules and Orders made in pursuance of Section Eleven of the said Act of the Twentieth and Twenty-first Years of Her Majesty, Chapter Forty-three, shall remain in force:

Superior Courts may make Rules of Practice. Ib. s. 11.

(9.) The Court shall (or, subject to any Rules or Orders thereof in relation thereto, any Judge of such Court sitting in Chambers, and as well in Vacation as in Term Time, may) hear and determine the Question or Questions of Law arising on the Case, and shall thereupon revise, affirm, or amend the Decision in respect of which the Case has been stated, or remit the Matter to the Justice with the Opinion of the Court thereon, or may make such other Order in relation to the Matter, and may make such Order as to Costs, as to the Court may seem fit; and all such Orders shall be final and conclusive on all Parties; and such Court may, if they think fit, cause the Case to be sent back for Amendment, and thereupon the same shall be amended accord-

Superior Court to determine the Question in the Case, or send back Case. Ib. ss. 6, 7, 8.

accordingly, and Judgment shall be delivered after it shall have been amended :

Decision to be certified to Clerk to Justices.

(10.) The proper Officer of the Court, as soon as practicable, shall certify (M c) to the Clerk to the Justices whose Name is indorsed upon the Case the Terms of such Judgment, and the Amount of Costs (if any) ordered by the Court to be paid by either Party :

Justices not liable for any Costs.
20 & 21 Vict. c. 43. s. 6.

(11.) No Justice who shall state and deliver a Case in pursuance of the above Provisions shall be liable to any Costs in respect or by reason of such Appeal :

Justices to certify Noncompliance with Recognizance.
Ib. s. 13.

(12.) In all Cases where the Conditions, or any of them, in the Recognizance mentioned in Paragraphs (2.) and (3.) of this Section shall not have been complied with, the Justice who shall have taken the same, or any other Justice, or the Clerk to the Justices, shall certify in the "Recognizance Book" in what respect the Conditions thereof have not been observed ; and such Certificate shall be deemed sufficient primâ facie Evidence of the said Recognizance having been forfeited :

Deposit to be refunded on Reversal of Decision.

(13.) Whenever it shall appear to any Justice that the original Decision has been reversed by the Court, he may verbally order the Clerk to the Justices to refund to the Appellant the Money so deposited as aforesaid :

No Certiorari required to remove Conviction, &c.
Ib. s. 10.

(14.) No Writ of Certiorari or other Writ shall be required for the Removal of any Entry of a Decision or Conviction, in relation to which a Case is stated under the above Provisions, or otherwise, for obtaining the Judgment or Determination of the Court in such Case :

Appellant may abandon Appeal.

(15.) The Appellant may at any Time before the hearing of the Appeal abandon his Appeal on giving due Notice thereof, and paying the Costs incurred by the Respondent by reason of such Appeal, such Costs being taxed by the Clerk to the Justices, for which Taxation he shall be entitled to a Fee of *Five Shillings* and no more :

Decisions and Judgments on Appeal to be enforced by Justices out of Sessions.
14 & 15 Vict. c. 93. s. 24.
20 & 21 Vict. c. 43. s. 9.

76. Whenever it shall appear to any Justice, from the Certificate mentioned in Paragraph (7.) of Section 74, or in Paragraph (12.) of Section 75, or otherwise, that the Appeal therein respectively mentioned has not been duly prosecuted, or that the original Decision has been confirmed or affirmed upon such Appeal, such Justice shall issue the proper Warrant for the Execution of the same as if no such Appeal had been brought ; and in every Case in which it shall so appear that the Court of Appeal shall have varied the original Decision, the said Justice shall forthwith issue the proper Warrant for the Execution of the Order so made by the Court of Appeal, in like Manner as he might have issued a Warrant for the Execution of the original Decision in case no Appeal had been prosecuted ; and if upon any such Appeal either Party shall be ordered to pay Costs, it shall be lawful for such Justice (on the same being duly certified to him, as in this Section first mentioned,) to enforce Payment of the same, in like Manner as herein-before provided, in Paragraph (17.) of Section 67, for the Recovery of Costs separately; and in any Case where any Decision by which any Person shall be adjudged to be imprisoned shall be confirmed on Appeal, such Person shall be liable to be imprisoned for the Period thereby adjudged, where he shall not have been apprehended thereunder, or where he shall have been so apprehended and discharged, then for such Period as, together with the Time during which he shall so have been in Custody, shall be equal to the Period adjudged by the original Decision: Provided always, that whenever the Party bound by Recognizance to prosecute an Appeal against a Decision to imprison shall have absconded, or when the Party bound to prosecute an Appeal against a Decision for Payment of any Penalty or other Sum shall have no Goods whereon to levy the same by Distress, it shall be lawful for the Justices at the Petty Sessions where the original Decision was made, and after like Proof of Notice to the Parties as in estreating Recognizances under Section 127 of this Act, to make an Order (by an Entry thereof in the "Recognizance Book"), for estreating the Recognizance in any such Case to such Amount as they shall see fit, and for paying out of such Amount such Sum as shall have been directed to be paid to any Party by such original Decision, and thereupon to issue a Warrant (I) for the Levy of the same upon the Goods of the several Persons bound thereby: Provided also, that where any Deposit of Money shall have been made instead of a Recognizance under either of the said Sections 74 and 75, and the original Decision shall have been affirmed, the last-mentioned Justices may verbally order the Clerk to the Justices first to pay out of the Money deposited the Penalty or other Sum adjudged by such Decision to be paid, and then the Costs of the Appeal, and the Residue, if any, to the Party convicted.

With Costs of Appeal.
11 & 12 Vict. c. 43. s. 27.

Justices may estreat Recognizances to Appeal.

Application of Money deposited.
24 & 25 Vict. c. 96. s. 110.

Application of Penalties.

77. The Application and Appropriation of Fines and Penalties adjudged, and Sums awarded as Compensation for the Value of or Damage to any Property, (such Value or Amount to be assessed in each Case by the convicting Justice,) and Sums forfeited under any Recognizance estreated under this Act, shall, when received, be subject to the following Provisions:

Application of Penalties and other Sums.
11 & 12 Vict. c. 43. s. 31.
24 & 25 Vict. c. 96. s. 106
5 & 6 W. 4. c. 76. s. 126.

(1.) Any Sum awarded as Compensation shall be paid to the Party or Public Body aggrieved, notwithstanding such Party shall have been examined as a Witness in Proof of the Offence; but when the Party aggrieved is unknown, and where several Persons join in an Offence, and are

Compensation to be paid to Party aggrieved, except in certain Cases.

14 & 15 Vict. c. 93. s. 22. para. 7.
18 & 19 Vict. c. 126. s. 22.

severally punished each in the Amount of the Injury done or Value of the Article, no more than One of such Sums shall be paid to the Party aggrieved; and such Sum, or the remaining Sum or Sums, not so payable or paid, shall be applied as Penalties are directed by Paragraph (5.) of this Section to be applied:

Award to other Parties aggrieved by Offence.

(2.) The Justice may, in any other Case than last mentioned, award any Sum not exceeding One Third Part of any Penalty to be paid thereout to any Party aggrieved by the Offence.

Constables prosecuting not to receive Penalties, but same to be paid to Superannuation Funds.

3 & 4 Vict. c. 88. s. 10.
13 & 14 Vict. c. 87. s. 1.
22 & 23 Vict. c. 32. ss. 8, 14.

(3.) The Justice may, whenever any Penalty or Share of such Penalty is payable by Law to any County, Borough, or other Constable as the Complainant (not being the Party personally aggrieved), and whenever any Penalty is imposed on Persons convicted of Offences upon such Constables, or imposed on such Constables for Misconduct, Neglect, Violation, or Breach of Duty, or for any other Offence in relation to their Office, and whenever any Penalty is imposed on Persons on the Complaint of any such Constable (not being the Party personally aggrieved) for any Offence, order not exceeding One Moiety of every such Penalty to be applied in aid of the Superannuation Fund (if any), established and provided for such Constables respectively, and the same shall be invested and otherwise dealt with accordingly; and if there be no such Fund, the same shall be applied as Penalties are directed by Paragraphs (7.), (8.), and (9.) of this Section to be applied; and the Moiety not so ordered to be applied shall be applied in like Manner:

Portion of Penalties to other Informers.

14 & 15 Vict. c. 93. s. 22. para. 8.
2 & 3 Vict. c. 71. s. 34.
22 & 23 Vict. c. 14.

(4.) In every other Case wherein the Informer shall not be a Constable, and also in Cases where the Statute under which the Complaint in that Behalf was framed contains no Directions for the Payment of the Penalty or Portion of Penalty to such Complainant, the Justice may award any Sum not exceeding One Third of such Penalty to such Informer, or may order that no Part of such Penalty shall be paid to such Informer; and such Penalty, or the Remainder thereof, as the Case may be, shall be applied as Penalties are directed by the Paragraphs (7.), (8.), and (9.), of this Section to be applied:

Forfeitures to be sold, &c.

(5.) All Forfeitures shall be sold or disposed of as directed by the Statute under which the Complaint in that Behalf was framed, and if there be no such Direction, then as the Justice may direct:

Penalties to be applied as Act directs.

(6.) Subject to the other Provisions of this Section, the Application of Penalties and other Sums shall be made as directed by the Statute under which the Complaint in that Behalf was framed:

(7.) If

Penalties unappropriated by Statute.
11 & 12 Vict. c. 43. s. 31.

(7.) If the Statute on which the Complaint in that Behalf was framed contains no Direction for the Payment of any Penalty or Portion of Penalty to any Person or Public Body, and also in Cases where such Statute directs any Penalty or Portion of Penalty to be paid to the Churchwardens and Overseers, or the Overseers of the Poor, or for the Poor of any Parish, or to the Union, for any Purpose, then the same shall be paid by the Clerk to the Justices, in the Manner directed by Section 28 of this Act, to the Treasurer of the County or Place wherein the Offence was committed, and shall (except within the Metropolitan Police District and in the City of London) be placed by such Treasurer to the Credit of the County Rate, or Rate in the Nature of a County Rate, made in such County, or to the Credit of the Borough Fund of such Borough, as the Case may be; and such Treasurer shall give such Clerk a Receipt for the Sum so paid by him:

Application of Penalties, &c. in the Metropolis.
10 Geo. 4. c. 44. s. 37.
2 & 3 Vict. c. 77. ss. 46, 47.
2 & 3 Vict. c. 94. s. 97.

(8.) Within the Metropolitan Police District the Penalties or Portion of Penalties referred to in Paragraph (7.) of this Section shall be paid and applied at the Time, in Manner, and to the Purposes directed by the Acts in that Behalf, and within the City of London shall be paid at such Time, in Manner, and applied to such Fund or Funds as the Court of Mayor and Aldermen of the said City shall from Time to Time order and direct:

Sums received for forfeited Recognizances to be paid to the Sheriff.
3 G. 4. c. 46.
4 G. 4. c. 37.
22 & 23 Vict. c. 21.

(9.) All Sums recovered or levied in respect of any forfeited Recognizance estreated under this Act, except where the same or any Part thereof is hereby directed to be otherwise applied, shall be paid quarterly by the Clerk to the Justices to the Sheriff of the County wherein such Estreat is made (and in default may be recovered by such Sheriff in manner directed by Section 29. of this Act), to be by such Sheriff paid and accounted for in the same Manner as other Sums paid or levied in lieu or satisfaction of forfeited Recognizances are by Law to be paid and accounted for.

Miscellaneous.

Prosecution and Punishment of Aiders and Abettors in Offence Cases.
11 & 12 Vict. c. 43. s. 5.
24 & 25 Vict. c. 96. s. 99.
24 & 25 Vict. c. 97. s. 63.

78. Every Person who shall aid, abet, counsel, or procure the Commission of any Offence punishable on summary Conviction, either for every Time of its Commission or for the First or Second Time, shall be liable for every First, Second, or subsequent such Offence to be proceeded against and convicted for the same, either together with the principal Offender, or before or after his Conviction, and shall be liable on Conviction to the same Forfeiture and Punishment as such principal Offender is by Law liable for a

First, Second, or subsequent Offence, and may be proceeded against and described in any Document or Proceeding as a principal Offender, and convicted either in the County or Place where such principal Offender may be convicted, or in that in which such Offence of aiding, abetting, counselling, or procuring may have been committed.

How Offences and Matters of Complaint may be described in Proceedings.
18 & 19 Vict. c. 119. s. 2.

79. In any Complaint which is taken in a separate Form distinct from the "Complaint Book" mentioned in Section 40 of this Act, and in any Summons, Warrant, Conviction, or Order, or Certificate thereof, or other Proceeding, it shall be sufficient for all Purposes to describe or state shortly the Offence or Matter of Complaint in general Terms (whether in the Conjunctive or otherwise), or in the Words of the Section of the Act creating or defining the Offence or attaching any Penalty thereunto, or providing the Remedy for such Matter of Complaint, together with the Time and Place, and the Addition thereto of the Words and Figures, "contrary to the Statute, Vict. Cap. , (or the Short Title, if One, of such Act) Section ," (being the Chapter and Section last referred to,) without describing the Manner in which, or the Means by which, the Offence was caused or committed, and without alleging any Exception or Exemption by Law applicable to the Offence or Matter of Complaint.

Justice may discharge Offenders and remit Penalties in certain Cases.
24 & 25 Vict. c. 96. s. 108.
24 & 25 Vict. c. 97. s. 66.
22 Vict. c. 32.

80. Any Justice, instead of convicting any Person proved before him to have committed a First Offence against the Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Ninety-six, or the Act of the same Years, Chapter Ninety-seven, or against any other Act where the Complaint includes or involves any Act of damaging or injuring any Property or Person, may, if he shall so think fit, discharge the Offender upon making such Satisfaction to the Party aggrieved for Damages and Costs, or either of them, as shall be ascertained by the Justice; and in all Cases wherein a Justice shall convict any Person under either of the last-mentioned Acts or any other Act, and adjudge him to pay any Penalty or Sum for such Damage or Value, or both, such Justice (whether such Person shall have been committed to Prison or not under the Decision in that Behalf, and whether he shall have paid the Penalty or other Sum or not) may, on the written Request of the Complainant or Party aggrieved, discharge the Offender from his Conviction, and remit in whole or in part such Penalty or Sum, as the Case may require, with or without making such Satisfaction as aforesaid; and thereupon the Justice shall cause an Entry of such Discharge or Remission to be made in the "Register of Decisions," mentioned in Section 66, and Order (Q.), such Person, if in custody, to be liberated: Provided always, that this Enactment shall not affect the Provisions of the Act of the Twenty-second Year of Her Majesty, Chapter Thirty-two.

81. In all Cases where a Justice shall make a Decision other than a Dismissal of a Complaint, and any Property which is the Subject of the Complaint is produced before them by any Person, such Justice may either impound such Property, or verbally order it to be restored to the Owner thereof.

Justices may impound or restore Property in certain Cases.

82. No Decision made under the Provisions of this Act, nor any Adjudication made on appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record.

No Decision, &c. to be quashed for Want of Form, nor be removed by Certiorari, &c.

83. Any Executor or Administrator of a deceased Person may be the Complainant or Defendant before Justices in any Case wherein Justices are by Law authorized to order Payment of any Wages or Compensation only to such Person, if living, in like Manner as if such Executor or Administrator were a Party in his own Right.

14 & 15 Vict. c. 92. s. 24.

Executors may be Parties in Compensation and Wages Cases.

9 & 10 Vict. c. 95. ss. 66, 68.

PART IX.

Indictable Offences.

84. The Crimes, Offences, and Persons to which this Part of this Act shall apply shall be those herein-before enumerated in the Tenth Section of this Act; every such Person being in this Act called the "Accused."

To what Offences and Persons this Part of Act applies.

Taking the Evidence.

85. The Manner in which the Evidence shall be taken, and the Accused disposed of, in Proceedings for indictable Offences, whenever such Accused shall appear or be brought before any Justice, whether he shall appear voluntarily upon Summons or have been apprehended with or without Warrant, legally or illegally, or be in Custody for the same or any other Offence, shall be subject to the following Provisions:

Manner of taking the Evidence conducting the preliminary Examination.

11 & 12 Vict. c. 42. s. 17. 14 & 15 Vict. c. 93. s. 14.

(1.) Before taking the Evidence, the Justice may hear any Observations the Counsel or Attorney for the Prosecution has to make upon the Charge:

Opening Case.

(2.) In every Case such Justice, before committing such Accused for Trial or admitting him to Bail, shall, in the Presence of such Accused (who shall be at liberty to put Questions to any Witness produced against him,) take (either by himself or by the Clerk to the Justices in his Presence) the

Justice to take Depositions.

Depositions (N a) on Oath and in Writing of those who shall know the Facts of the Case; and such Depositions shall be read over and signed respectively by the Witnesses so examined, and shall also be signed by the Justice (or, if more than One, by One of the Justices) who shall take the same, either at the Foot of each Deposition or at the End of the whole:

Depositions to be read over to accused.

(3.) When the Depositions of the Witnesses on the Part of the Prosecution are completed, the Justice or One of the Justices present shall (without requiring the Attendance of the Witnesses) read or cause to be read to the Accused such Depositions, if the same shall have been taken on any previous Examination, and may hear any Observations in defence by his Counsel or Attorney:

Justice to caution Prisoner, and then take down his Statement.
11 & 12 Vict. c. 42. s. 18.

(4.) The Justice or Clerk to the Justices shall then state to the Accused the Charge involving the Offence or Offences supported by the Depositions, and then take down in Writing the Statement (N b) of such Accused (the Justice having first cautioned him that he is not obliged to say anything unless he desires to do so, but that whatever he does say will be taken down in Writing, and may be given in Evidence against him on his Trial); and whatever Statement the said Accused shall then make in answer to the Charge shall, when taken down in Writing, be read over to him, and shall be signed by the said Justice (or One of the Justices) present, and afterwards, upon the Trial, may, if necessary, and if so signed, be given in Evidence against the Accused without further Proof thereof, unless it shall be proved that it was not signed by the Justice purporting to sign the same; but nothing herein contained shall prevent the Prosecutor from giving in Evidence any Admission or Confession, or other Statement made at any Time by the Accused, and which would be admissible by Law as Evidence against him:

But Prosecutor may give any other Statement also in Evidence.

To hear Witnesses tendered by Accused.

(5.) The Justice may in like Manner, if it shall appear to him to be conducive to the Ends of Justice so to do, take the Depositions of any Witnesses offered by the Accused or his Counsel or Attorney on his Behalf, and who shall know the Facts of the Case, and which Depositions shall be read over and signed as above required in regard to Witnesses for the Prosecution:

No Reply by Prosecutor.

(6.) No Observations in reply shall be permitted to be made by the Counsel or Attorney for the Prosecution, unless the Justice shall desire to hear such Observations:

(7.) Where the Accused is at the same Time and before the same Justice charged with Two or more Offences committed and triable within the same Jurisdiction, the Evidence in respect of all such Offences may, if he think it expedient to do so be taken in One Set of Depositions, and in such Case the Recognizance to prosecute or give Evidence shall also be by One Document (W b):

Where Accused charged with Two or more Offences.

(8.) Whenever the Offence shall have been committed within the Jurisdiction of the Justice, and he shall be of opinion that the Evidence is not sufficient to put such Accused on his Trial, he shall forthwith order such Accused to be discharged as to the Complaint then under Inquiry; but if, in the Opinion of such Justice, such Evidence is sufficient to put such Accused on his Trial, or if such Evidence raises a strong or probable Presumption of Guilt, then such Justice shall either by Warrant (O a) commit him to the Gaol for the County or Place to which by Law he may now be committed, or, in the Case of an Offence committed on the High Seas, or on Land beyond the Sea, to the Gaol of the County or Place within which such Justice has Jurisdiction, to be there kept until his Trial for the said Offence, or shall admit him to Bail in manner herein-after provided in Section 87, according as he shall see fit:

When Evidence has been completed Justice to discharge or commit, or admit to Bail.

14 & 15 Vict. c. 93. s. 15.
11 & 12 Vict. c. 42. s. 25.

(9.) Whenever any such Accused is charged with an Offence alleged to have been committed by him in any County or Place in England wherein such Justice shall not have Jurisdiction, such Justice shall, if in his Opinion the Evidence taken before him within his Jurisdiction shall be sufficient Proof of the said Charge, thereupon either by a like Warrant (D a) commit the Accused to the Gaol of the County or Place wherein the Offence is alleged to have been committed, or shall admit him to Bail, according as such Justice shall see fit; but if, in his Opinion, such Evidence shall not be sufficient to put the Accused on his Trial, and no further Evidence can be adduced against him, he shall forthwith order such Accused to be discharged as to the Complaint then under Inquiry; but if there shall appear to such Justice to be other Evidence procurable in such last-mentioned County or Place, then he shall bind over the Prosecutor, if he shall have appeared, and the Witnesses, to give Evidence, either under the Provisions of Section 51 or Section 85 of this Act, as such Justice shall think fit, and the Case shall require, and shall thereupon by Warrant (O b) order such Accused to be taken before some Justice of the County

Offence committed in another County, &c., either commit Prisoner or admit him to Bail.

11 & 12 Vict. c. 42. s. 22.

If Evidence is not sufficient Justice may send Prisoner to County, &c., where Offence was committed.

County or Place in which and near the Place where the Offence is alleged to have been committed, and shall at the same Time deliver to the Constable having the Execution of such Warrant the Depositions and Recognizances, if any, so taken, to be delivered to the Justice before whom the Accused shall be taken in obedience to such Warrant; and such Complaint, Depositions, and Recognizances shall be treated to all Intents as if they had been taken before such last-mentioned Justice: Provided always, that if such last-mentioned Justice shall not think the Evidence against such Accused sufficient to put him on his Trial, and shall discharge him without holding him to Bail, any Recognizance so taken by the said first-mentioned Justice shall be null and void; and if any Person shall be committed to Prison for refusing to be bound by Recognizance, such last-mentioned Justice shall forthwith order (Q) the Keeper of the Gaol to discharge him from Custody:

But if Evidence not sufficient, and Party not bailed, former Recognizance to be void.

Costs of conveying the Accused into the proper County, &c., to be borne by the last-mentioned County, &c.

11 & 12 Vict. c. 42. ss. 22, 26.

(10.) In case such Accused shall be so committed to Gaol, or so taken before such last-mentioned Justice, the Constable who shall have conveyed him shall be entitled to be paid the Costs and Expenses of so conveying him; and upon the said Constable producing either the Receipt of the Keeper of the Gaol for the said Accused, or the said Accused with the Warrant in that Behalf, before such Justice, and proving the Handwriting of the Keeper of such Gaol who shall have signed such Receipt, or of the Justice who shall have subscribed such Warrant, as the Case may be, such Justice shall thereupon forthwith ascertain the Amount of the said Costs and Expenses according to the Scale of Fees and Allowances in force in his County or Place, as also the reasonable Costs and Expenses of such Constable returning, and thereupon such Justice shall make an Order (O c) upon the Treasurer of the County or if the City, Borough, or Place shall be contributory to the County Rate of any County, then upon the Treasurer of such County to which it is contributory, for Payment to such Constable of the Amount so ascertained to be payable to him in that Behalf; and the said Treasurer, upon such Order being produced to him, shall pay the Amount to the said Constable, or to any Person who shall present the same to him for Payment:

Depositions of Witnesses who have died, &c.

(11.) If upon the Trial of the Accused it shall be proved by the Oath of any credible Witness that any Person whose Deposition shall have been so taken is dead, or is out of the United Kingdom, or is so ill as not to be able to travel to give Evidence, or is fraudulently or forcibly kept out of the way by the Accused, and if such Deposition purport to have been taken and signed as above required, it shall be lawful to read such Deposition as Evidence before the Grand Jury, and on the Trial, without further Proof thereof, unless the Accused shall prove that the same was not taken on Oath, or that it was not taken in his Presence, or that he or his Counsel or Attorney had not a full Opportunity of cross-examining such Witness, or that such Deposition was not signed by the Justice purporting to have signed the same:

died, &c. may be read on the Trial. 11 & 12 Vict. c. 42. s. 17. 14 & 15 Vict. c. 93. s. 14. para. 1.

(12.) Whenever an Accused is discharged by the Justice the Clerk to the Justices shall retain the Depositions in his Custody.

When Accused discharged, Clerk to retain Depositions.

Binding over Prosecutor and Witnesses.

86. Whenever a Justice shall determine to Commit the Accused, or hold him to Bail, he shall bind the Prosecutor, and such of the Witnesses as have been examined before him, and whose Evidence is in his Opinion material for the Prosecution, by Recognizance (W b) to appear at the Trial of the Accused, and prosecute or give Evidence against him, and to produce any Property the Subject of the Offence, given into their or his Custody for that Purpose; and whenever any Prosecutor or Witness shall refuse to be so bound, (or being a Witness and under the Age of Twenty-one Years, shall fail to find a Surety, if the Justice shall deem it advisable to require Surety, the Justice may by Warrant (E) commit him to the Gaol of the County or Place in which the Accused is to be tried, there to be imprisoned until the Trial of the Accused, unless in the meantime such Prosecutor or Witness shall duly enter into such Recognizance before some Justice of the County or Place in which such Gaol is situated, who shall forthwith after taking such Recognizance order (Q) the Keeper of the Gaol to discharge such Prosecutor or Witness: Provided always, that where a Witness is a married Woman, the Justice may verbally or by Summons require her Husband to be so bound as Surety for her, and if he fail to appear thereto, may grant a Warrant for his Apprehension, and if he refuse to be so bound, the Justice may proceed with regard to such Husband as herein directed, in the Case of a Witness who shall refuse to be so bound or to find Surety.

Justice to bind over Prosecutor and Witnesses to give Evidence on the Trial of Accused, &c. 11 & 12 Vict. c. 42. s. 20. 14 & 15 Vict. c. 93. s. 13.

Proviso as to married Women.

Bailing the Accused.

87. The Admission to Bail of such Accused Persons shall be subject to the following Provisions:

(1.) In every Case where the Accused is charged with any Felony, or with any Misdemeanor against any Act relating to the Coin,

Persons charged with Felony and Misdemeanor may be admitted.

In what Cases discretionary.
11 & 12 Vict. c. 42. s. 23.
14 & 15 Vict. c. 93. s. 16.

Coin, or with any other Misdemeanor, for the Prose- of which the Costs may be allowed by the Court before which such Misdemeanor is prosecuted, either the examining Justice, at any Time before such Accused is committed to Gaol, or the Justice by whom the Warrant to commit shall have been signed at any Time afterwards, and before the First Day of the Sitting of the Court before which he shall have been committed to be tried, may, if (having regard to the Nature of the Charge, and the Cogency of the Evidence adduced in support of it,) it appears to him to be a Case in which Bail ought to be taken, admit such Accused to Bail by Recognizance (W b), with One or more sufficient Sureties, or without Surety if the Accused is a Housekeeper and Tenant, at the Discretion of the Justice, conditioned that he will appear at the Time and Place when and where he is to be tried for such Offence, and that he will then surrender and take his Trial, and not depart the Court without Leave;

In such Cases the committing Magistrates to certify on Warrant his Consent to Bail, and any other Justice may admit to Bail.

and whenever in any such Case the Accused shall not be so admitted to Bail, if the examining or committing Justice is of opinion that he ought to be admitted to Bail, he shall certify (R a) on the Warrant of Commitment, and also at the Foot of or upon the Depositions, his Consent to his being bailed, stating also the Amount of Bail which ought to be required; and any Justice of the County or Place attending or being at the Gaol where such Accused shall be in Custody, on Production of such Certificate, or a Copy thereof certified by the Clerk to the Justices, at any Time before the First Day of the Sitting of the Court before which the Accused shall have been committed to be tried, may admit him to Bail in manner aforesaid:

In what Cases Bail compulsory.

(2.) In every Case where the Accused is charged with any indictable Misdemeanor other than those herein-before mentioned, such Justice, after taking the Depositions, instead of committing him to Prison, shall, upon the Application of such Accused (and upon being satisfied as to the Sufficiency of the Bail offered), admit him to Bail or certify in manner aforesaid; or if he has been committed to Gaol, and shall apply to any Justice for the same County or Place to admit him to Bail at any Time before the First Day of the sitting of the Court before which he is to be tried, such Justice shall admit him to Bail in manner aforesaid, either with or without the Production of such Certificate:

When Sureties cannot attend Jus-

And whenever it shall not be convenient for the Surety or Sureties in any Case to attend at the Gaol to join with the Accused in the

Recognizance

tice to give a Duplicate Certificate of Consent to Bail.

Recognizance of Bail, then the committing Justice, or the Justice by whom the Accused can be admitted to Bail, as the Case may be, shall make a Duplicate of such Certificate (R a) as aforesaid, or the Clerk to the Justices shall certify the Correctness of a Copy thereof; and upon either being produced to any Justice for the same County or Place, or to any Justice of the County or Place where such Surety or Sureties shall reside, such last-mentioned Justice, before such Time as aforesaid, may take the Recognizance of the Surety or Sureties in conformity to such Certificate; and upon a Certificate (signed by such last-mentioned Justice, or by the Clerk to the Justices, R b), of such Recognizance of the Surety or Sureties having been entered into, being transmitted to the Keeper of such Gaol, and produced to any Justice attending or being at such Gaol, such last-mentioned Justice, before such Time as aforesaid, may take the Recognizance of such Accused in like Manner as if the Sureties were present; and in all Cases where a Justice shall admit to Bail any Accused who shall then be in any Gaol charged with the Offence for which he shall be so admitted to Bail, such Justice shall send to or cause to be lodged with the Keeper of such Gaol a Warrant (Q), requiring the said Keeper to discharge the Accused so admitted to Bail, if he be detained for no other Offence or under no Civil Process; and upon such Warrant being delivered to such Keeper he shall forthwith obey the same: Provided always, that no Justice shall admit any Accused to Bail for Treason, or for any Felony under the Act of the Eleventh Year of Her Majesty, Chapter Twelve, nor shall any such last-mentioned Accused be admitted to Bail, except by Order of the Home Office, or by Her Majesty's Court of Queen's Bench at Westminster, or a Judge thereof in Vacation.

When Accused admitted to Bail after Commitment Accused to be discharged if not detained for any other Offence or under Civil Process.

Proviso as to Treason, &c.

88. Whenever any such Accused shall have been bailed in manner aforesaid, the Justice by whom he shall have been bailed, or any other Justice, if he shall see fit, upon the Application of the Surety or of either of the Sureties of such Accused, and upon Complaint being made in Writing and on Oath by such Surety or by some Person on his Behalf that the Accused so bailed is about to abscond for the Purpose of evading Justice, may issue his Warrant (D) for the Arrest of such Accused so bailed, and afterwards, upon being satisfied that the Ends of Justice would be otherwise defeated, may commit (O a) such Accused when so arrested to Gaol until his Trial, or until he shall produce another sufficient Surety or other sufficient Sureties, as the Case may be, in like Manner as before.

Where Accused is about to abscond, Justice may, upon Application of Surety, order Arrest, and require new Bail.

14 & 15 Vict. c. 93. s. 17.

89. Whenever an Indictment has been found by the Grand Jury in any Court of Oyer and Terminer or General Gaol Delivery, or

Warrant to arrest a Party

against whom an Indictment is found.

14 & 15 Vict. c. 93. s. 18. 11 & 12 Vict. c. 42. s. 3.

Party so arrested to be committed for Trial or bailed.

If Party indicted be in Prison for some other Offence Justice to order his Detention.

or at any General or Quarter Sessions of the Peace in England, against any Accused who shall then be at large, and who has not already appeared and pleaded to such Indictment (and whether such Accused has been bound by Recognizance to answer to the same or not), the Person who shall act as Clerk of the Indictments at such Court, or as Clerk of the Peace at such Sessions, shall, at any Time after the End of the Assizes or Sessions at which such Indictment shall have been found, upon Application of the Prosecutor or of some Person on his Behalf, and free from Charge, grant unto such Prosecutor or Person a Certificate (S) of such Indictment having been found; and upon Production of such Certificate to any Justice for the County or Place in which the Offence is alleged in such Certificate to have been committed, or in which such Accused shall reside or be, or be suspected to reside or be, such Justice shall issue his Warrant (F) to arrest such Accused, and to cause him to be brought before him, or some other Justice for the same County or Place, to be dealt with according to Law; and upon such Accused being so brought before such Justice, and upon its being proved that the Person so arrested is the same Accused who is charged and named in such Indictment, such Justice shall, without further Inquiry, either commit him for Trial or admit him to Bail in manner aforesaid; but if such Accused is in Custody upon such Indictment, and such Certificate shall also certify that such Court has ordered him to be discharged from Custody on finding Surety or Sureties as therein stated, then any such Justice, upon Production of such Certificate, may bail him in manner aforesaid; and in any such Case if the Accused so indicted shall at the Time be confined in any Gaol for any other Offence than that charged in such Indictment, such Justice shall, upon like Proof that the Person so confined is the same Accused who is so charged in such Indictment, issue his Warrant (O a) to the Keeper of such Gaol, commanding him to detain such Accused in his Custody until he shall be discharged therefrom by due Course of Law; but nothing herein contained shall be deemed to prevent any Clerk of the Indictments, or Peace or other Officer, from issuing any Warrant in any such Case for the Arrest of any such Person which he might otherwise by Law issue.

Disposal of the Depositions.

90. The Manner in which Complaints, Depositions, Statements of accused Persons, and Recognizances, shall be disposed of when taken, and the Cases recorded, shall be subject to the following Provisions:—

Complaints, &c. taken before Justices out of Petty Session to be transmitted

(1.) Every such Complaint, Deposition, Statement, and Recognizance sworn, taken, or acknowledged by or before any Justice not sitting in Petty Sessions shall, with all convenient Despatch, and at the latest before the Petty Sessions then next ensuing for the Sessional Division where the Case may have arisen, be transmitted by him to the Clerk to the Justices, except in Cases where the Accused shall not have been committed or shall not be amenable, and such Justice shall deem it expedient to retain such Documents for a longer Period :

to Clerks to Justices.
14 & 15 Vict. c. 93. s. 19.

(2.) The Clerk to the Justices shall transmit, in the Mode hereinafter mentioned, every such Deposition, Statement, or Recognizance so received from any Justice out of Petty Sessions, or which shall be sworn, taken, or acknowledged at Petty Sessions, to the Clerk of the Assize, where the same shall relate to any Matter to be tried at the Assizes, or to the Clerk of the Peace, where same shall relate to any Matter to be tried at Quarter Sessions, with all convenient Despatch, or at latest within Seven Days from the holding of each Petty Sessions where the Accused shall have been committed or shall be amenable, (or at least Seven Days before the Assizes or Quarter Sessions, as the Case may be, where the Party shall not have been committed or shall not be amenable,) except in Cases where the Party shall not have been committed or shall not be amenable, and the Justices shall deem it expedient to retain such Documents for a longer Period :

Depositions, &c. to be transmitted to the Clerks of Assize and Peace.
11 & 12 Vict. c. 42. s. 20.

(3.) In every Case where any such Documents, whether taken in or out of Petty Sessions, shall be so retained by any Justice for a longer Period than is herein-before provided, he shall endorse on the same his Reason for such Retention :

If detained, Reason to be stated.

(4.) In all Cases where the Clerk to the Justices shall receive any such Deposition, Statement, or Recognizance to transmit to the Clerk of Assize or Peace, he shall forthwith make an Abstract or Schedule of the same, specifying the Dates of the same, and the Dates when the same were received by him, and (when there shall be no more convenient or safe Mode of Transmission) he shall transmit such Schedule, together with the Depositions, and Recognizances therein referred to, to the said Clerk of Assize or Peace, as the Case may be, through the General Post Office, prepaying the same :

Mode of transmitting Depositions.

(5.) The Clerk to the Justices shall enter the Particulars relating to each Case, in which an Accused is committed or held to Bail to be tried, in a Book to be kept for that Purpose, to be called the " Register of Committals for Trial " (O d) :

Register of Cases to be kept.

Provided always, that at any Time after the Depositions aforesaid shall have been completed, and on or before the First Day of the Assizes or Sessions at which any Accused committed to Gaol or admitted to Bail is to be tried, such Accused or his Attorney may require, and shall be entitled to receive from the Clerk to the

Accused and Prosecutor entitled to Copies.
14 & 15 Vict. c. 93. s. 14.
11 & 12 Vict. c. 42. s. 27.

Justices, or other Person having the Custody of the same, a Copy of such Depositions and of the Statement of the Accused, on Payment of the Sum for the same set down in the Table of Fees in the First Schedule hereto; and the Prosecutor or his Attorney in any such Case may also be furnished with a Copy of such Depositions and Statement on Payment of the Sum set down in the same Table of Fees; and if such original Depositions are required to be produced at any other Place than the Trial of the Accused, a Copy thereof, certified by the Clerk to the Justices or other Officer having the Custody of the same, may be received in Evidence in lieu of such original Depositions.

Copy receivable in Evidence in other Cases than on the Trial.

PART X.

Summary Jurisdiction over certain indictable Offences.

When this Part of the Act shall take effect.

91. This Part of the Act shall take effect when and so soon as the Depositions of all the Witnesses for the Prosecution against the Person charged (hereafter called the "Accused,") with any of the indictable Offences to which this Part of this Act relates have been completed in manner directed by Section 85 of this Act; but whenever for any Offence mentioned in Section 93 or 94 the Accused is brought before the Justices upon a Warrant, and it is proposed to deal with him under Section 95, they, or the Clerk to the Justices, may, before taking such Depositions, state the Purport of the Complaint or Charge to the Accused, and then proceed as directed by Section 95.

Where and before whom Cases to be heard.

10 & 11 Vict. c. 82. s. 1.
18 & 19 Vict. c. 126. s. 9.
19 & 20 Vict. c. 118.

92. The several Offences mentioned in Sections 93, 94, and 96., when proposed to be dealt with under the Provisions of this Part of this Act, shall be heard and disposed of in open Court before Two or more Justices assembled at a Petty Session holden for the Sessional Division or other District or Place within which the Offence is by Law deemed to have been committed; and (except in the Districts assigned to Police Courts within the Metropolitan Police District and in the City of London) a written or printed or painted Notice of the Days and Hours for hearing Cases under this Part of this Act shall be posted or affixed by the Clerk to the Justices upon some conspicuous Part of the Outside of the Building or Place where the Petty Sessions are held.

Larceny, &c. by Persons not exceeding 16 Years of Age.

93. The next following Offences, when committed by any Person whose Age does not, in the Opinion of the Justices before whom he is charged, exceed the Age of *Sixteen Years*, shall be subject to the Provisions of this Part of this Act; (that is to say,)

(1.) Simple Larceny:

10 & 11 Vict. c. 82.
13 & 14 Vict. c. 37.

(2.) The Offences by Sections Three, Twenty-six, Twenty-seven, Thirty-one, Thirty-two, Thirty-three, and Thirty-six of the

Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Ninety-six, or any Act hereafter to be passed, declared to be punishable as in the Case of Simple Larceny:

(3.) Attempting to commit, or aiding, abetting, counselling, or procuring the Commission of Simple Larceny, or any of the last-mentioned Offences:

(4.) Attempting to commit Larceny from the Person:

(5.) Stealing from the Person:

(6.) Larceny as a Clerk or Servant:

18 & 19 Vict. c. 126. s. 3.

(7.) Embezzling Property as a Clerk or Servant, the Amount embezzled not exceeding the Sum of *One Pound:*

(8.) Obtaining or attempting to obtain Property by false Pretences, the Amount or Value thereof not exceeding the Sum of *One Pound:*

(9.) Receiving of any Person amenable under this Section any Property, the stealing, embezzling, or obtaining whereof is within this Section, knowing it to have been stolen, embezzled, or unlawfully obtained:

(10.) Committing either of the foregoing Offences after a previous Conviction for either of them under this Part of this Act.

See 24 & 25 Vict. c. 96. s. 7. as to a 3rd Conviction.

Larceny, &c. of small Value by Persons exceeding 16 Years of Age.

18 & 19 Vict. c. 126. s. 1.

94. The next following Offence, when committed by any Person whose Age, in the Opinion of the Justices before whom he is charged, exceeds the Age of *Sixteen Years,* shall also be subject to the Provisions of this Part of this Act; (that is to say,)

(1.) Simple Larceny, the Value of the whole Property alleged to have been stolen not exceeding *Five Shillings:*

(2.) Receiving of any Person amenable under this Section such Property, knowing it to have been stolen:

(3.) Attempting to commit, or aiding, abetting, counselling, or procuring the Commission of Simple Larceny:

(4.) Attempting to commit Larceny from the Person.

Mode of Proceeding before Justices in the before-mentioned Cases.

10 & 11 Vict. c. 82. s. 1.

18 & 19 Vict. c.126. ss. 1,2.

95. Where any Person shall be charged under the last Two preceding Sections, the Justices shall proceed as follows:

(1.) The Charge shall be stated to the Accused (if not previously stated):

(2.) The Justices or the Clerk to the Justices shall ask the Accused whether he objects to the Charge being tried by them, or whether he desires that it shall be sent for Trial by a Jury; and if the Accused (or, in the Case of an Offender whose Age does not exceed Sixteen Years, his Parent) do object, the Justices shall take the Deposition, in manner directed by Section 85, and otherwise proceed with the Case as upon a Committal for Trial:

13 & 14 Vict. c. 37. s. 2.

(3.) If the Accused (or his Parent) shall not object, the Justices or the Clerk to the Justices shall ask him whether he is

Guilty or Not Guilty of the Charge, and the Justices may hear his Defence, and examine any Witnesses tendered on his Behalf, and then proceed to dispose of the Case summarily:

(4.) If the Justices find the Charge to be proved they shall convict the Accused (T a), and adjudge him to be imprisoned for any Period not exceeding *Three Months:*

10 & 11 Vict. c. 82. s. 1.
24 & 25 Vict. c. 96. ss. 4, 67, 68.
25 Vict. c. 18.
26 & 27 Vict. c. 44.

(5.) If the Accused is convicted for the First Time of an Offence mentioned in Section 93, the Justices may, instead of imprisoning him, adjudge him to pay a Fine not exceeding Three Pounds, or (if a Male and not exceeding the Age of Sixteen Years) to be once privately whipped with a Birch Rod by some Constable verbally named by the Justices, either instead of or in addition to such Imprisonment; but the Number of Strokes inflicted in the Case of an Accused whose Age does not exceed Fourteen Years shall not exceed Twelve, and in the Case of any other Accused shall not exceed Twenty-five, and the Number in each Case shall be specified at the Time of Conviction:

(6.) If the Accused is convicted for the Second Time of an Offence mentioned in Section 93, the Justices may adjudge him to be imprisoned for not exceeding *Six Months*, or to pay a Fine not exceeding *Six Pounds,* or to be twice privately whipped, as in the last Provision:

(7.) Paragraph (23.) of Section 67 of this Act, as to cumulative Imprisonment, shall apply to Convictions under this Section, except that Justices shall not for any Number of Offences adjudge the Accused to be imprisoned for a longer Period in the whole than *Six Months:*

(8.) If the Justices find the Offence not proved, they shall dismiss the Charge, and shall cause an Entry thereof to be made in the "Register of Decisions" mentioned in Section 66 of this Act; but if the Accused is convicted for the First Time of an Offence mentioned in Section 93, they may require him to find Surety or Sureties by Recognizance for his future good Behaviour for such Period as they think fit, and in default thereof they shall deal with him as directed by Paragraph (5.) of Section 67 of this Act:

Proviso.

Provided always, that if the Justices shall be of opinion, upon a First Charge against the Accused, that there are Circumstances in the Case which render it inexpedient to inflict any Punishment, they may dismiss the Accused and give him a Certificate of such Dismissal.

96. The next following Offences, when committed by any Person whose Age, in the Opinion of the Justices before whom he is charged, exceeds the Age of *Sixteen Years*, shall also be subject to the Provisions of this Part of this Act; (that is to say,)

Larceny, &c. of greater Amount by Persons above 16 who plead Guilty.

(1.) Simple Larceny, the Property alleged to have been stolen exceeding in Value *Five Shillings*, but not exceeding *Pounds:*

(2.) Stealing from the Person to the Value of not exceeding *Pounds:*

18 & 19 Vict. c. 126. s. 3.

(3.) Larceny as a Clerk or Servant, to the Amount of not exceeding *Pounds:*

(4.) Embezzling Property as a Clerk or Servant to the Amount or Value of *Pounds:*

(5.) Obtaining or attempting to obtain Property by false Pretences, the Amount or Value not exceeding *Pounds:*

(6.) Receiving of any Person amenable under this Section any Property, the stealing, embezzling, or obtaining whereof is within this Section, knowing it to have been stolen, embezzled, or unlawfully obtained:

And the Justices may, if the Evidence is in their Opinion sufficient to put the Accused on his Trial for the Offence, proceed as follows:

(1.) The Charge shall be read to the Accused:

(2.) The Justices or the Clerk to the Justices shall then explain to the Accused that he is not obliged to plead or answer the Charge before them at all, and that if he do not plead or answer before them he will be committed for Trial by a Jury:

Mode of Proceeding.

(3.) The Justices or the Clerk to the Justices shall then ask the Accused whether he is guilty or not of the Charge:

(4.) If the Accused shall say that he is guilty, the Justices shall cause a Plea of Guilty to be entered at the Foot of the Depositions, and shall convict him of the Offence (T a) and adjudge him to be imprisoned for any Period not exceeding *Six Months:*

(5.) If he shall say that he is Not Guilty, the Justices shall proceed with the Case as upon a Committal for Trial.

97. Provided always, that if upon the hearing of any Charge it appear to the Justices that the Offence is one which, owing to a previous Conviction of the Accused, is punishable by Law with Penal Servitude, or if such Justice be of opinion, before the Accused shall have made his Defence, that the Case cannot properly be disposed of, or cannot be adequately punished, under this Part of this Act, or that the Charge is, from any other Circumstances, fit to

Justices not to adjudicate under certain Circumstances.

be made the Subject of Prosecution by Indictment rather than to be disposed of summarily, or if in any Case mentioned in Section 96 the Charge shall involve more than One Offence committed in respect to different Complainants, such Justices shall, instead of summarily adjudicating thereon, deal with the Case in all respects as if this Part of this Act had not been passed.

Effect of Conviction under this Part of Act.
10 & 11 Vict. c. 82. s. 12.
18 & 19 Vict. c. 126. s. 11.

98. Every Conviction (T a) under this Part of this Act shall have the same Effect as a Conviction upon Indictment for the same Offence would have had, save that no Conviction under this Part of this Act shall be attended with any Forfeiture.

Proceedings under this Part of Act a Bar to further Proceedings.
10 & 11 Vict. c. 126. s. 12.

99. Every Person who is dismissed from the Charge made against him, or is convicted, under this Part of this Act, shall be released from all further or other Criminal Proceedings for the same Cause.

Restitution of Property stolen, &c.
10 & 11 Vict. c. 82. s. 12.
18 & 19 Vict. c. 126. s. 8.
24 & 25 Vict. c. 96. s. 100.

100. Whenever any Person is convicted under this Part of this Act, and also where the Justices under Section 95, deem the Offence proved, but do not inflict any Punishment, the convicting or adjudicating Justices may, verbally or in Writing, order Restitution of the Property stolen, embezzled, or obtained, in those Cases in which the Court before whom the Person is convicted would have been tried but for this Part of this Act is by Law authorized to order Restitution.

Convictions to be returned to Quarter Sessions.
10 & 11 Vict. c. 82. s. 11.
18 & 19 Vict. c. 126. s. 7.

101. The Clerk to the Justices shall, whenever a Conviction takes place under this Part of this Act, enter the same in the "Register of Decisions" mentioned in Section 66, and also draw up and transmit all such Convictions to the next Court of General or Quarter Sssions of the County or Place, there to be kept by the proper Officer among the Records of the Court, but he shall retain in his Custody the Depositions of the Witnesses, and the Statement or Plea of the Accused.

Justices may order Payment of Expenses of Prosecutions.
10 & 11 Vict. c. 82. ss. 14, 15, 16.
18 & 19 Vict. c. 126. s. 14.

102. Where any Charge is summarily adjudicated upon, or an Offender is convicted, under this Part of this Act, the adjudicating or convicting Justices may, upon the Request of the Prosecutor of such Charge, grant such Prosecutor a Certificate (T b) of the Amount of the Compensation which such Justices deem reasonable for his Trouble and Loss of Time, and that of his Witnesses, and also for the Expenses incurred by him in and about the Prosecution, including therein the Fees payable or paid to the Clerk to the Justices and Clerk of the Peace in respect of the Proceedings, all Expenses of apprehending and detaining the Offender, and such other Expenses as are by Law payable when incurred before a Commitment for Trial; and every such Certificate shall have the Effect of an Order of Court for the Payment of the Expenses of a Prosecution made under the Act of the Seventh Year of King George the Fourth, Chapter Sixty-four, and the Acts amending the same; and the Amount mentioned in such Certificate may be paid in the first instance by the Clerk to the Justices, and Four Times in every Year the Amount of all such Certificates so paid by such Clerk shall be repaid to him in like Manner as the Money mentioned in such Order of Court: Provided always, that all such Certificates shall be subject to the like Regulations made or to be made in relation thereto as the Certificates mentioned in the last-mentioned Act to be granted by examining Magistrates are or may be subject to under the Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-five, or any Act amending the same.

References to 10 & 11 Vict. c. 82. and 18 & 19 Vict. c. 126. to be to this Part of Act. See 24 & 25 Vict. c. 96. ss. 7, 9. 25 & 26 Vict. c. 64. s. 10.

103. Whenever in any Act the Act of the Tenth and Eleventh Years of Her Majesty, Chapter Eighty-two, or the Act of the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and twenty-six, or any Provision of the last-mentioned Act, is referred to or incorporated, this Part of this Act, or the corresponding Provision thereof here enacted, as the Case may be, shall be read and understood instead as follows; (that is to say,)

Section 93 shall be read and substituted for the said Act of the Tenth and Eleventh Years of Her Majesty:

Section 94 with all Provisions relative thereto, shall be read and substituted for Section 1 of the said Act of the Eighteenth and Nineteenth Years of Her Majesty:

Section 96 with all Provisions relative thereto, shall be read and substituted for Section 3 of the last-mentioned Act:

Sections 94 and 96, with all Provisions relative thereto, shall be read and substituted generally for the Provisions of the said last-mentioned Act.

PART XI.

Special Sessions Matters.

This Part of Act to apply to all Special Sessions.

104. The Provisions contained in this Part of this Act shall apply to every such Special Sessions as is mentioned in Section 4 held under any Act now in force or hereafter to be passed, without any special Reference being made hereto in such last-mentioned Act, save so far as this Part of this Act shall be expressly varied or excepted by such Act.

What previous Sections shall not apply.

105. The Sections of this Act respectively numbered 46, 47, 49, 50, 51, 59, 60, 61, 66, 73, 74, 75, 76, 78, 80, 81, and 83, shall not apply to any Matter done or transacted at or in Special Sessions.

Justices annually in December to appoint the Days of holding Special Sessions for the Year ensuing:

106. Notwithstanding anything contained in any Act to the contrary, the Justices of every Sessional Division assembled at a Petty Sessions holden for that Purpose within the first Seven Days of December in the present and every future Year (to be named by the Clerk to the Justices, and summoned either verbally or in the Mode provided by Paragraph (5.) of Section 110, in the Case of a Special Sessions,) shall appoint the particular Day, Hour, and Place upon and at which each and all of the several Special Sessions shall be holden in and for such Sessional Division in the Year then next ensuing (except such Special Sessions as can be held and summoned only as the Occasion for the Holding thereof may arise), and the special Purpose for which each is to be holden; but this Enactment shall be subject to the following Provisions; (that is to say,)

When Time fixed by Act.

(1.) Whenever any Act shall direct or appoint the Time or Times at or within which any Special Sessions is to be holden, or the Number of Special Sessions in the Year, the Provisions of such Act shall be observed, except with reference to Adjournments provided in Section 118:

Where holden.

(2.) The Special Sessions shall be holden at the Place mentioned in Section 114:

Appointment.

(3.) The Clerk to the Justices shall enter the said Appointment (U a) in the "Special Sessions Book" mentioned in Section 119:

List of Special Sessions to be prepared;

(4.) Such Clerk shall prepare from such Appointment a List (U b) of the Special Sessions appointed, and shall during the Year hang up and keep the same List hung up in his Office, and in the Place of holding Petty or Special Sessions:

and sent to Justices, Parochial Officers, &c.

(5.) Such Clerk shall likewise send or deliver a printed Copy of the said List on or before the First Day of January to every Justice entitled to attend Special Sessions, to the Clerk of the Peace for the County or Borough, to the Clerk of the Guardians of every Union, and the Overseers of the Poor and Surveyors of Highways of every Parish, in the Sessional Division.

As to Special Sessions held only occasionally.
7 & 8 G. 4. c. 31.
6 & 7 Vict. c. 68.
2 & 3 Vict. c. 84.
1 & 2 W. 4. c. 41.
2 & 3 Vict. c. 35.

107. In those Cases where Special Sessions can be held and summoned only as the Occasion for the Holding thereof shall arise, the Justices acting in the Matter in relation to which such Special Sessions is necessary to be holden may appoint the Day and Hour upon and at which the same shall be holden, or on their Default any One Justice of the same Jurisdiction, or the Clerk to the Justices, shall do so.

Notices now given to Petty Constables to be given to Clerk to Justices, &c. 9 G. 4. c. 61. ss. 10, 11.

108. All Notices required by the Acts relating to the licensing of Alehouses and Billiard Rooms, or by any other Acts, to be served on any Petty Constable or other Peace Officer by any Applicant for a Licence, shall hereafter be addressed and given to the Superintendent of Police of the Sessional Division instead, and to the Clerk to the Justices also.

Proceedings under 7 & 8 G. 4. c. 31. to be conducted by Clerk to Justices instead of High Constables. 7 & 8 G. 4. c. 31. ss. 4, 7, 8, 9, 10.

109. Whenever by the Act of the Seventh and Eighth Years of King George the Fourth, Chapter Thirty-one, or any other Act, any Notice is to be given to or by, any Process served upon, or any Matters are authorized or required to be done by the High Constable of a Hundred, such Notice, Process, and Matters shall hereafter be given to or by, and served upon, and done by the Clerk to the Justices in respect of the Parishes or Places within the Sessional Division for which he is such Clerk instead of such High Constable; and such Clerk shall have the same Powers, Rights, and Remedies as such High Constable would have had by virtue of the said Acts, and shall be subject to the same Liabilities.

Mode of summoning and giving Notice of Special Sessions:

110. The Mode of summoning and giving Notice of every Special Sessions appointed as aforesaid, as well as the Manner of directing the Performance of any Act or Duty by any Person in relation thereto, shall be as follows; (that is to say,)

Clerk to prepare all Notices and Precepts.

(1.) The Clerk to the Justices shall, in sufficient Time before the holding of each Special Sessions, prepare and sign every Notice and Precept as are now or may be by Law necessary and required to be given, issued, or sent of or in relation to such Special Sessions:

Clerk to direct Overseers, &c. to perform required Acts. [Constables Highways Poor Rates.]

(2.) Whenever by any Statute any Act or Duty in relation to a Special Sessions is directed or required to be done or performed by any Churchwardens, Overseers, Surveyors of Highways, or other Officers or Persons, such Clerk shall by a Precept (U d) direct and require such Act or Duty to be done and performed by them respectively:

Clerk to direct a Constable to affix Notices on Church Door and serve Notices and Precepts. [Alehouse and Poor Acts.]

(3.) Wherever by any Act any Notice from the Justices in relation to a Special Sessions is to be affixed to or on the Door of any Church or Chapel, or any Notice or Precept is to be delivered to or served on other Persons than Justices, such Clerk shall by a Precept (U e) direct and require any Superintendent of Police or other Constable by Name (who shall be previously nominated for that Purpose by the Justices at a Petty Sessions for the Sessional Division) to affix, deliver, or serve such Notice or Precept accordingly; or such Clerk may, as respects such Delivery or Service, address and send such Notice or Precept in the Manner next herein-after provided:

Notices, &c. to be sent to Persons.

(4.) Such Clerk shall address and send by the Post in the ordinary Way every such Notice (U c) (except to Justices) and Precept at and within such Time and Times as such or the like Notices and Precepts have been usually sent or are now or may be required by the Act or Acts in that Behalf:

Seven Days Notice to Justices.
7 & 8 Vict. c. 33. s. 7.
1 & 2 W. 4. c. 32. s. 18.
2 & 3 Vict. c. 35. s. 1.
6 & 7 Vict. c. 68. s. 5.

(5.) Such Clerk shall send by the Post in the ordinary Way, Seven Days at least (except as next herein-after provided) before the holding thereof, Notice (U f) of every Special Sessions addressed to each Justice referred to in Section 113 at his Residence:

Sessions as to Special Constables.

(6.) In Cases where a Special Sessions is necessary to be holden for any Purpose relating to Special Constables it shall be sufficient to give such Notice of the holding thereof as the Exigency of the Case will permit:

Notices to be given to Justices only, unless Act otherwise directs.
2 & 3 Vict. c. 84.

(7.) Unless any Act now in force or hereafter to be passed shall expressly otherwise direct, no Notice of a Special Sessions shall be given to any other Persons than Justices as herein provided.

1 & 2 W. 4. c. 41.
6 & 7 Vict. c. 68.
1 & 2 W. 4. c. 32.

Persons to obey Precepts of Clerk.

111. Every Person to or by whom any such Precept as aforesaid is directed or received shall obey the same as if it had been signed and issued by the Justices or High Constable as heretofore, and under the like Penalties for Neglect of Duty.

Fees to Clerk for summoning Special Sessions, &c. to be a Charge on County or Borough Fund.

112. From and after the *Commencement of this Act* no separate Fee shall be demanded or received by any Clerk to the Justices from any Person or Party to any Matter before a Special Sessions, or from any Parochial Officer, for or in respect of any Notice or Precept as is mentioned in Section 110; but in lieu thereof every such Clerk shall be entitled to be paid, at the Time herein-after mentioned, out of the County Rate or Borough Fund in or to which the Sessional Division is situate or belongs, (which Payment the Treasurer of such County or Borough is hereby directed to make,) the Sums under-mentioned; (that is to say,)

(1.) In the Month of *January* after the passing of this Act, and in the same Month of every succeeding Year, for the Duties mentioned in Section 106, the Sum of *Sixpence* in respect of each Copy of the List sent or delivered as therein required:

(2.) In the Month of *January One thousand eight hundred and sixty-six;* and in the same Month of every succeeding Year for the Notices and Precepts mentioned in Section 110 the Sum of *Five Shillings* in respect of each Parish in the Sessional Division of such Clerk.

What Justices may attend Special Sessions.
9 G. 4. c. 61. s. 7.
8&9 Vict. c. 109. s. 1.
1&2 W. 4. c. 32. s. 18.
6&7 W. 4. c. 96. s. 6.
7 & 8 G. 4. c. 31.
6&7 Vict. c. 68. s. 5.
2 W. 4. c. 41. ss. 1, 4.
5&6 W. 4. c. 76. s. 98.

113. Those Justices of the Peace only who are resident within the Sessional Division, or usually acting in Petty Sessions for such Division, (or, in the Case of a Borough, who are resident within the prescribed Limits,) for which they are such Justices, shall be entitled to attend and act as such Justices at any Special Sessions for such Sessional Division.

Where Special Sessions holden.
12 & 13 Vict. c. 18. ss. 2, 3.
5 & 6 W. 4. c. 76. s. 100.

114. Every Special Sessions shall be holden at the same Place or Places within or for the Sessional Division, and in the same Room or Building, as for the Time being is appointed, provided, or used for the holding of Petty Sessions under Section 52 of this Act.

Constitution of Special Sessions.

115. Not less than Two Justices shall constitute a Special Sessions; and every Matter before a Special Sessions shall, in the Case of a Difference of Opinion amongst the Justices present, and who interfere or act therein, be determined by the Majority of such Justices, if more than Two, or if only Two be present then such Two must agree in Opinion, or the Special Sessions be adjourned, as herein-after provided; and any Decision or Adjudication made by the Majority of such Justices shall bind the others of them, and be deemed the Decision or Adjudication of such Special Sessions, or of the Justices thereat.

What Business to be done at Special Sessions.

116. No other Business which is by Law required to be done at or in Special Sessions shall be transacted at a Special Sessions than that which is specified in the Notice of such Special Sessions sent to the Justices; but either before or after the holding of the same, or during any Interval of Business therein, the Justices there assembled, or any One or more of them, may do and perform any other Act or Duty of such Justices or Justice required to be done in Petty Sessions or otherwise, as if they or he were or was not then in Special Sessions assembled.

Order, &c. of Special Sessions to be signed by Two Justices only.
6 & 7 Vict. c. 68. s. 5.

117. Every Order of a Special Sessions (U g), Licence, or other Document requiring Signature, shall be valid and sufficient if signed by *Two only* of the Justices present thereat, the Names of the other Justices present and interfering with or acting in the Matter being stated thereon, any Act to the contrary notwithstanding.

Special Sessions may be adjourned by Justices or Clerk.
9 G. 4. c. 61. s. 3.
1 & 2 W. 4. c. 41. s. 14.
1 & 2 W. 4. c. 32. s. 18.
6 G. 4. c. 50. s. 10.
7 & 8 G. 4. c 31. s. 9.
6 & 7 W. 4. c. 96. s. 6.

118. Notwithstanding anything contained in any Act or Acts to the contrary, the Justices present at any Special Sessions may from Time to Time, or if only One Justice shall attend at the Time and Place appointed for holding the same, or within One Hour after the Hour appointed, then such One Justice, or if no Justice shall attend within such Time then the Clerk to the Justices, shall adjourn such Special Sessions, or any Matter not fully heard or determined, or upon which no Decision or Adjudication has been made in consequence of a Difference of Opinion amongst the Justices or otherwise, to such Day and Hour, but at the same Place, as they or he shall think fit, and to be then appointed and stated in open Court; and this Enactment shall be subject to the following Provisions; (that is to say,)

(1.) Such Clerk shall make an Entry of the Adjournment and the Cause thereof, in the "Special Sessions Book" mentioned in Section 119:

(2.) No Notice or Precept of or relating to such Adjournment shall be affixed on any Place, or given to or served on any Person, except the Justices who shall not attend the Special Sessions so adjourned, and except as provided by Section 8 of "The Juries Act, 1862:"

(3.) All Notices required to be given by or to Parties to the Matter before a Special Sessions must be given as now required by Law for the original Day of holding such Special Sessions:

(4.) No Business or Matter by Law required to be done at or in Special Sessions shall be transacted or heard or determined on such Adjournment Day, except such as was specified in the Notice sent to the Justices of the original Special Sessions, or which was not fully heard or was not determined at such original Special Sessions:

Acts done after Period allowed not invalid.

Provided always, that no Act of the Justices at any Special Sessions done or exercised after or at any other Time than allowed or provided by the Act relating to the Business thereat shall by reason thereof be invalid.

Proceedings to be entered in a Book.

119. Minutes of all Proceedings had at and before any Special Sessions shall be entered in a Book to be called the "Special Sessions Book," to be kept for that Purpose by the Clerk to the Justices and be signed by him at the End of each Day's Proceedings.

120. The Home Office may from Time to Time make Rules as to all or any Sessional Division:

Home Office may make Rules of Practice for Special Sessions. 24 & 25 Vict. c. 130. s. 2.

(1.) For regulating the Mode of applying for the Grant or Transfer of Licences required by any Act to be granted by Special Sessions, and the conducting and hearing of such Applications:

(2.) With respect to the entering, conducting, and hearing Appeals against Rates or Assessments:

(3.) With respect to other Matters of Business before Special Sessions:

And may alter, amend, or rescind any such Rules; and all such Rules, when so made, altered, or amended, shall be published in such Mode as the Home Office shall think fit, and shall be observed by and be binding on all Persons whomsoever; and a Copy thereof shall be hung up, and kept hung up, in the Office of the Clerk to the Justices, and in the Place of holding Special Sessions.

PART XII.

EXECUTION OF WARRANTS.

121. The Persons to whom Warrants shall be addressed for Execution shall be as follows:

To whom Warrants to be addressed. 11 & 12 Vict. c. 42. s. 10. 11 & 12 Vict. c. 43. s. 3. 14 & 15 Vict. c. 93. s. 25.

(1.) Warrants to arrest or distrain for Penalties or other Sums than for Local Rates or Taxes may be addressed to any Constable or other Person by Name, or generally to the Constables of the Parish or other District in which the same is to be executed, without naming him (whether such Parish or District be within the Justices Jurisdiction or not), or to such Constable and all other Constables within the County or Place within which the Justice issuing such Warrant has Jurisdiction, or generally to all the Constables within such last-mentioned County or Place:

(2.) Warrants of Commitment to Prison shall in all Cases be addressed to the Constables of the Constabulary Force of the County or Place within which the Justice issuing such Warrant has Jurisdiction:

(3.) Warrants of Distress for Local Rates or Taxes shall be addressed to any Constables and to the Persons to whom such Rates or Taxes are payable, and to the Collector of such Rates or Taxes.

122. The Execution of Warrants shall be subject to the following Provisions:

By whom and how Warrants to be executed: How long in force.

(1.) Every Warrant shall remain in full Force until it shall be executed, notwithstanding the Justice who shall have signed

11 & 12 Vict. c. 42. s. 10.
11 & 12 Vict. c. 43. s. 3.

signed the same shall in the meantime have died or ceased to be such Justice:

By whom and where Warrants may be executed.

(2.) Every Warrant may be executed anywhere by the Person to whom it is addressed, or, if addressed generally to all Constables of the County or Place within which the Justice issuing such Warrant has Jurisdiction, then by any Constable appointed by the Chief or other Head Constable of the Constabulary Force of such County or Place to execute the same:

Warrants may be executed in England without being endorsed.
2 & 3 Vict. c. 71. s. 17.

(3.) Any Warrant whatever may be executed anywhere in England out of the Jurisdiction of the Justice granting it, without being indorsed by a Justice having Jurisdiction in the County or Place where the same shall be executed:

Transmitting Warrant to other Districts for Execution.

(4.) Where any Warrant is addressed to the Constables of any Parish or District out of the Jurisdiction of the Justice issuing such Warrant, any Superintendent of Police or other Constable shall, if so directed by the Justice signing such Warrant, transmit it to the Constables where it is to be executed, or the Clerk to the Justices may so transmit it for Execution:

Persons apprehended to be taken before Justice where indictable Offence committed, except in certain Cases.

(5.) Where any Person accused of an indictable Offence is apprehended out of the Jurisdiction of the Justice granting the Warrant for such Offence, and the Prosecutor or any of the Witnesses for the Prosecution shall then be in the County or Place where such Accused is so apprehended, the Constable or other Person who shall have apprehended such Accused may (and, if so directed by the Justice who issued such Warrant, or if such Person is so apprehended without any Warrant, shall) take him before some Justice of the same County or Place, who may thereupon take the Depositions of such Prosecutor or Witnesses, and proceed in every respect as directed in such Case by Paragraph (9) of Section 85 of this Act:

Constable need not produce Warrant to Person apprehended.

(6.) The Constable or other Person executing any Warrant of Apprehension shall not be obliged to produce the same to the Person apprehended at the actual Time of such Apprehension, but shall, if required, (in other Cases than indictable Offences,) do so within the Period of Twenty-four Hours thereafter, otherwise the Person apprehended shall be discharged from Custody, unless previously to the Expiration of such Period he shall be taken before a Justice.

123. The Manner in which such Warrants shall be backed for Execution out of England, or Warrants issued out of England for Execution in England, shall be as follows:

Backing Warrants out of England:

(1.) Whenever it shall appear that the Person or his Goods are to be found in some Place in Scotland or Ireland, or in the Isles of Man, Guernsey, Jersey, Alderney, or Sark, it shall be lawful for any Justice or Officer having Power to issue any Warrant or Process in the Nature of a Warrant for the Arrest of Offenders in any of the said Places, upon Proof of the Handwriting of the Justice by whom the Warrant shall have been issued, to indorse the same according to the Form (V b), authorizing its Execution within the Jurisdiction of the said Justice or Officer by the Person bringing the same, or by any Constable of the County or Place where it shall be so indorsed:

Ireland, Scotland, and Channel Isles from England.
11 & 12 Vict. c. 42. ss. 12, 13.
14 & 15 Vict. c. 55. s. 18.

(2.) Whenever any Person against whom any Warrant shall be issued by any Justice or other such Officer as aforesaid in Scotland or Ireland, or in the Isles of Man, Guernsey, Jersey, Alderney, or Sark, for any Crime or Offence, shall reside or be, or be suspected to reside or be, in any Place in England, it shall be lawful for any Justice in England to indorse the same in like Manner and upon like Proof as aforesaid, authorizing the Execution of the same within his Jurisdiction:

In England from Ireland, Scotland, and Channel Isles.

(3.) The aforesaid Provisions as to the Indorsement of Warrants shall equally apply to any Warrant for the Arrest of any Person charged with any indictable Crime or Offence for which he is punishable by Law, whether the same shall be signed or indorsed or issued by a Justice of the Peace, or by a Judge of Her Majesty's Court of Queen's Bench, or Justices of Oyer and Terminer and General Gaol Delivery in England or Ireland, or by the Lord Justice General, Lord Justice Clerk, or any of the Lords Commissioners of Justiciary, or by any Sheriff or Stewart Depute or Substitute, in Scotland:

Above Provisions to apply to Judges Warrants
14 & 15 Vict. c. 93. s. 30.

(4.) Whenever any Warrant is so indorsed by any Justice or other such Officer as aforesaid, it shall be a sufficient Authority to the Person bringing such Warrant, and also to all Constables of the County or Place where such Warrant shall be so indorsed, to execute same by Arrest, Committal, or Levy, as the Case may be, within the Jurisdiction of the said Justice or Officer, and in case of a Warrant to arrest any Person to convey him when arrested before the Justice or Officer by whom the same was

Warrants so indorsed to be valid for Execution.
14 & 15 Vict. c. 93. s. 31.

was issued, or before some other Justice or Officer of the same County or Place, to be dealt with according to Law.

When Warrants for indictable Offences, &c. may be executed.
11 & 12 Vict. c. 42. s. 4.
14 & 15 Vict. c. 93. s. 11. Para. 1.

124. Any Warrant for any indictable Offence, or any Search Warrant (V a), may be granted, issued, or executed, and any Person escaping from the Constable having him in Custody under any such or any other Warrant may be retaken, on a Sunday as well as on any other Day.

Execution of Distress Warrants and Committals.
14 & 15 Vict. c. 93. s. 32.

125. The Manner in which Distresses and Committals under Warrants shall be made shall be as follows:

When addressed to Constables.

When addressed to other Persons for Rates.

(1.) Whenever any Warrant to levy any Penalty or other Sum by Distress is addressed to any Constable the Sums levied under it shall be accounted for under Section 71 of this Act; but whenever any such Warrant is addressed to any other Person than a Constable, as in the Case of Rates or Taxes, such Person shall pay over the Sum levied under it to the Persons who appear by such Warrant to be entitled to the same, or in such other Manner and subject to such Account of the same as the Justice shall direct:

What Goods may be taken.
9 & 10 Vict. c. 95. s. 96.

No Replevy allowed.

(2.) Every Constable or other Person executing any such Warrant may, by virtue thereof distrain and take any of the Goods and Chattels of the Person against whom the same is issued (except the Wearing Apparel and Bedding of such Person or his Family, and the Tools and Implements of his Trade to the Value of Five Pounds, which shall to that Extent be protected from such Distress), and also any Money, Bank or other Notes, belonging to such Person; and no Distress under any such Warrant shall be repleviable:

Distress may be sold in a certain Time.

(3.) In every Case where a Distress is made under any such Warrant the Person charged with its Execution may sell the said Distress within the Period specially fixed by the said Warrant, or if no Period is so fixed then within the Period of Five Days from the making of the Distress, unless the Sum for which the Warrant was issued, and also the reasonable Charges of taking and keeping the said Distress, be sooner paid; and in every Case where he shall sell any such Distress he shall render to the Owner the Overplus, if any, after retaining the Amount of the said Sums and Charges:

On Payment of Penalty, &c., Distress not to be levied.

(4.) In every Case where any Person against whom any such Warrant is issued shall pay or tender to the Person having the Execution of the same the Sum in such Warrant mentioned, or shall produce the Receipt of the Clerk to the Justices for the same, and shall also pay the Amount of the Expenses of such Distress up to the Time of such Payment or Tender, such Person shall refrain from executing the same:

Scale of Charges for Distresses in 57 G. 3. c. 93. to be applicable.

(5.) The Scale of Charges on Distresses for Rent contained in the Act of the Fifty-seventh Year of King George the Third, Chapter Ninety-three, and all the Provisions of the said Act in reference thereto, shall extend and apply to all Distresses made under any such Warrant, as herein mentioned, whether the Amount due shall exceed or shall not exceed the Sum of Twenty Pounds:

Distress may be sold by Auction by a Constable without Licence.

(6.) In every Case where any Constable is empowered to distrain any Goods under such Warrant, he may and is hereby authorized to sell or cause the same to be sold by Auction, as the Case may be, without procuring any Licence to act as an Auctioneer, and may deduct out of the Amount of such Sale all reasonable Costs and Charges actually incurred in effecting the same; but no Sale shall be made unless the Goods are, at the appraised Value, sufficient to satisfy the Sum mentioned in the Warrant, as well as such Costs and Charges:

If Sum paid after Committal Prisoner to be discharged. 11 & 12 Vict. c. 43. s. 28.

(7.) In every Case where any Person apprehended under any Warrant shall pay or cause to be paid to the Keeper of the Gaol in which he shall be imprisoned the Sum in the Warrant mentioned, the said Keeper shall receive the same, and shall thereupon discharge such Person, if he be in his Custody for no other Matter:

Gaoler to give Receipt for Prisoners. 11 & 12 Vict. c. 42. s. 26.

(8.) Whenever the Warrant is to commit any Prisoner to Gaol, the Constable whose Duty it shall be to convey such Prisoner to Gaol shall deliver over the said Warrant and the said Prisoner to the Keeper of the Gaol, who shall thereupon give to such Constable a Receipt (P) for such Prisoner, setting forth the State and Condition in which he shall have been delivered into the Custody of such Keeper:

To what Prisons Offenders shall be committed in summary Proceedings.

(9.) In any Case in which a Justice shall order any Person to be committed to Gaol for any Period, either in default of Payment of any Sum, or in default of Distress, or as a Punishment for any Offence, such Committal shall be to the County Gaol, District Bridewell, or House of Correction of the County or Place for which the Justice signing the Warrant shall have acted; and whenever any Justice shall order any Person to be committed on account of any

Adjournment of the Hearing, or until the Return of a Warrant of Distress, or for any like temporary Purpose, such Committal shall be either to the Gaol or House of Correction, District Bridewell, or to any Bridewell or Lock-up of the County or Place, according as shall appear to the Justice most convenient for that Purpose:

Gaoler to produce Prisoner on Adjournment or Remand.

(10.) In the last-mentioned Cases, the Keeper of the Gaol or other Place shall bring or cause to be brought such Person, at the Time and Place fixed by the Warrant for that Purpose, before such Justice as shall then be there.

Return of unexecuted Warrants.
14 & 15 Vict. c. 93. s. 33.

126. Whenever the Constable or other Person to whom any Warrant is so addressed or transmitted for Execution shall be unable to find the Perons against whom such Warrant is issued, or his Goods, as the Case may be, or to discover where such Person or his Goods are to be found, he shall return such Warrant to the Justice by whom the same was issued, or to any other Justice, or to the Clerk to the Justices, within the Time fixed by such Warrant (or within a reasonable Time where no Time is fixed), and together with it a Certificate (V c) of the Reasons why the same has not been executed; and such Justice or any Justice or such Clerk may examine such Person on Oath touching the Non-execution of such Warrant, and any Justice to re-issue the said Warrant again, or issue any other Warrant for the same Purpose, from Time to Time as shall seem expedient.

PART XIII.

RECOGNIZANCES.

Mode of binding Persons to appear, &c. to be by Recognizance:

127. Whenever any Person shall under this Act or any other Act be bound to appear to answer any Complaint or Charge, or to give Evidence as a Witness, or to prosecute any Person accused of an Offence, or to keep the Peace or be of good Behaviour, or to do or refrain from doing any future Act or Offence or otherwise, or to appeal against any Conviction, Order, or other Determination of Justices, such Person shall be bound by Recognizance taken on the personal Appearance of such Person before a Justice, or the Clerk to the Justices, with or without Surety, as herein-after provided; and the Mode of binding, the Amount of such Recognizance, and the Form thereof, shall be subject to the following Provisions:

Married Women.

(1.) A married Woman may be so bound as a Principal or Witness only, whether living separate and apart from her Husband or not, or the Husband or other Person may be bound as Surety for her: but in indictable Offences the

Provisions contained in Section 86 of this Act as to requiring the Husband to be so bound shall apply:

Minors.

(2.) Any Person under Twenty-one Years of Age may be so bound as a Principal or Witness only (subject to the Provisions of Section 86 of this Act in indictable Offences), or any Person may be bound as Surety for such Person:

Other Persons.

(3.) Other Persons shall be bound in person:

Only Householders as Surety.

(4.) No Person who is not a Householder and Tenant of a Dwelling House, or of Part thereof, shall be a Surety for any Person:

Amount of Recognizance.
14 & 15 Vict. c. 93. s. 34.

(5.) The Recognizance shall be in such Amount as the Justice shall think expedient, except in Cases of Appeal under the Eighth Part of this Act, in which the Amount shall be as therein provided:

Oath to Surety.
57 G.3. c. 56.

(6.) In order to ascertain the Sufficiency of any Person offered as Surety, the Justice may examine such Person on Oath as to his Residence and Place of Business, and his Means and Property to meet the Amount of the Recognizance, should it be estreated:

Form of Recognizance; certain Recognizances to be entered in "Recognizance Book."

(7.) In Cases where the Recognizance shall be conditioned for the Appearance of any Person before any Justice or Justices out of Sessions, at any Petty Sessions or otherwise; and also in every Case where this Provision is in this Act expressly referred to, it shall be done by a proper Entry thereof being made by the Justice, or the Clerk to the Justices, in a Book kept for that Purpose, to be called the "Recognizance Book" (W a):

Other Recognizances to be by a separate Instrument.

(8.) In Cases where any Person shall be bound to appear and plead to any Indictment, or to prosecute or give Evidence thereon, or to keep the Peace, or be of good Behaviour, or to appeal to the Quarter Sessions, and in all other Cases of Recognizances taken before a Justice, it shall be done by a separate Recognizance (W b):

Entry to be signed.

(9.) Every such Entry of Recognizance shall be signed by the Justice or such Clerk, and, if the Justice or Clerk shall so require, also by the Persons bound:

To contain particular Description of Parties bound.
11 & 12 Vict. c. 42. s. 20.

(10.) Every such Entry and Recognizance shall particularly specify the Profession, Trade, or Occupation of every Person entering into the same, together with his Christian and Surname, and the Name of the Parish, Township, or Place, County, City, Borough, or Town, the Name of the Street, and the Number (if any) of the House in which he resides, and whether he is Owner or Tenant thereof, or a Lodger therein:

To be binding on Lands.

(11.) Every Recognizance so taken either by an Entry in the "Recognizance Book," or by a separate Form, shall have the like Force and Effect in binding the Lands, Tenements, Goods and Chattels of the Persons acknowledging the same, and in all other respects, which any Recognizance now by Law has:

Notice of Recognizance.

(12.) A Notice of every such Recognizance (W c), signed by the Justice or such Clerk, shall at the same Time be given to each Person bound:

Recognizances taken out of Petty Sessions.

(13.) Where any Recognizance is taken out of Petty Sessions, the Justice shall transmit a Minute thereof to such Clerk, who shall make an Entry thereof in "the Recognizance Book," or otherwise, as the Case may require:

Deposit of Money in lieu of Sureties in certain Cases.
24 & 25 Vict. c. 96. s. 110.
24 & 25 Vict. c. 97. s. 68.

(14.) A Justice may, in the Cases mentioned in Paragraph (7.) of this Section, in lieu of Surety or Sureties, and in addition to the Party's own Recognizance, permit the Party to deposit with such Clerk a Sum equal in Amount to the Sum in which the Surety or Sureties would have been bound: Such Clerk shall state the Fact of such Deposit being made in the "Recognizance Book," and also on the Notice of Recognizance: If the Condition in the Recognizance is not fulfilled, the Sum deposited shall be retained by such Clerk to await any Proceeding on such Recognizance: If the Condition of the Recognizance is fulfilled, the Sum deposited shall be returned by such Clerk to the Party making such Deposit:

Clerk to take Recognizances.

(15.) Whenever so directed by a Justice who has consented to admit any Person to Bail, or has accepted the Recognizance of any Person as Surety in any Case, such Clerk may, without the Justice being present, take such Recognizance, and such Recognizance so taken shall for all Purposes be deemed to have been taken and entered into before such Justice:

Discharge of Recognizances.

(16.) When the Condition of any Recognizance mentioned in Paragraph (7.) of this Section is complied with or performed, such Clerk shall write in the proper Column of the "Recognizance Book" the Word "performed," which Entry shall operate as a Discharge of the Party bound from such Recognizance.

Where Recognizance is to appear at Petty Sessions, &c. Justices may do certain Things:

123. In all Cases of Recognizance conditioned for the Appearance of any Person before any Justice or Justices out of Sessions at any Petty Sessions or otherwise, whether the Recognizance shall have been duly taken by a Justice, or by any Constable attending at any Station House or Watch House as allowed by Law, the

Justice or Justices before whom the Person bound ought to have appeared may proceed as follows:

10 G.4. c. 44. s. 9.
2 & 3 Vict. c. 4. ss. 69–72.
2 & 3 Vict. c. 71. s. 45.
2 & 3 Vict. c. xciv. ss. 51–54.
5 & 6 W. 4. c. 76. ss. 78, 79.

Enlarged Recognizance.

(1.) He or they may, on the Application of either Party or his Counsel or Attorney, and with or without requiring the personal Appearance of the Party bound, enlarge such Recognizance to such further Time as the Justice or Justices shall appoint, unless the Person bound as Surety (if any) shall previously give Notice to the Clerk to the Justices that he withdraws from being or objects to continue such Surety; and a Minute of such Enlargement shall be made in the "Recognizance Book:"

To certify Non-appearance;

(2.) If the Defendant, Accused, or other Person bound shall not appear at the Time and Place mentioned in such Recognizance, or within One Hour after, the Justice or such Clerk shall certify in the "Recognizance Book" such Non-appearance; and the Entry thereof shall be deemed sufficient Evidence of such Non-appearance:

and may summarily estreat Recognizance after Proof and Notice to Party.

14 & 15 Vict. c. 93. s. 34.
11 & 12 Vict. c. 43. ss. 1, 3, 9, 16.

(3.) The Justices in Petty Sessions for the Sessional Division or Place and in open Court, upon due Proof of the making of the said Recognizance and of the Non-appearance of the Person bound, and that Notice in Writing of the Application to estreat such Recognizance was personally served upon, or left or transmitted by Post at or to the usual or last known Place of Abode of the Person or of each of the Persons (if more than One) against whom it is sought to put such Recognizance in force, at least Seven Days before such Petty Sessions, may order (by making an Entry thereof in the said "Recognizance Book") that such Recognizances be estreated to such Amount as they shall see fit, and thereupon may issue a Warrant (I) to levy such Amount by Distress and Sale of the Goods of the Person who shall have acknowledged the same, and in default of Distress to commit such Person to Prison, as if the same were a Decision in an Offence Case under the Eighth Part of this Act:

Not to prevent Issue of Warrant to arrest, &c.

But this Proceeding to enforce the Amount of or estreat the Recognizance shall not prevent any Justice from issuing his Warrant to arrest the Defendant or Accused to answer the Complaint or Charge made against him, or otherwise to proceed as the Case may require.

Other Recognizances to be trans-

129. Other Recognizances than those referred to in the last preceding Section, and all Recognizances which Justices out of Quarter mitted to Clerk of the Peace.

11 & 12 Vict. c. 42. s. 20.

Quarter Sessions are not hereby empowered to estreat, shall be transmitted by the Clerk to the Justices, as follows:

(1.) Where the Recognizance is for the Appearance of any Person at any Assizes, to the Clerk of Assize of the Circuit where the Trial of the Accused is to be had, before or at the opening of the said Court:

16 & 17 Vict. c. 30. s. 2.

(2.) In every other Case (except as mentioned in Section 76 of this Act) to the Clerk of the Peace of the County or Place for which the Justice taking the same shall have acted, to be by him filed among the Records of the General Quarter Sessions of the Peace.

PART XIV.

Repeal of Acts, and Miscellaneous Provisions.

Repeal of Acts.

Repeal of Acts, &c.:

130. *From and after the Commencement of this Act* there shall be repealed the following Acts and Parts of Acts, so far as they respectively relate to England; (that is to say,)

In Third Schedule.

(1.) The Enactments described in the Third Schedule hereto to the Extent therein specified:

Reference to 11 & 12 Vict. c. 42. 11 & 12 Vict. c. 43. 20 & 21 Vict. c. 43.

(2.) All Sections and Enactments in Acts which refer, for the Manner of recovering or enforcing any Penalty, Forfeiture, or other Sum, or determining any Complaint, or hearing any Charge, or appealing against any Determination of Justices, to and incorporate the Act of the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-two, or the Act of the same Years, Chapter Forty-three, and any Act amending the same, or any Act of the present Session of Parliament, or the Act of the Twentieth and Twenty-first Years of Her Majesty, Chapter Forty-three, or to any Proceedings as to Procedure and Appeal contained in the Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Ninety-six, respectively:

Acts as to Justices Clerks Fees, &c.

(3.) All Sections and Parts of Sections in Acts relative to Fees or Allowances to Clerks to Justices and Constables, which are not set forth in the said Schedule:

All Acts, &c. relating to Procedure.

(4.) All Acts and Sections, and Parts of Sections or Acts, which contain a Procedure in any way different from or inconsistent with the Procedure herein enacted and provided for, or in respect of any of the Cases, Offences, and Matters within the Eighth, Ninth, Tenth, and Eleventh Parts of this Act respectively, or with the Provisions contained in any of the other Parts of this Act:

And the Procedure herein enacted and provided in such Cases, Offences, and Matters respectively shall thenceforth be substituted for the Enactments hereby repealed; and such Procedure shall be under such of the Provisions of this Act as are applicable to such Cases, Offences, and Matters respectively, unless any Act of the next Session, or thereafter to be passed, shall otherwise express or provide.

Saving Clause as to Repeal.

131. The Repeal lastly enacted shall not affect,—

(1.) The past Operation of any such Enactment, Acts, or Sections:

(2.) Any Act done, or any Right or Liability already acquired, accrued, or now existing, under or by virtue of any such Enactment, Acts, or Sections:

(3.) Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence already committed or Matter of Complaint already arisen:

(4.) The Institution or Prosecution of any legal Proceeding or any other Remedy for the ascertaining, determining, enforcing, or recovering of any such Liability, Penalty, Forfeiture, or Punishment.

Miscellaneous Provisions.

Justices or Clerk to Justices to administer Oaths, &c.
11 & 12 Vict. c. 42. s. 17.
11 & 12 Vict. c. 43. s. 15.
14 & 15 Vict. c. 99. s. 16.

132. In every Case all Witnesses shall be examined upon Oath; and any Justice having under this or any other Act (whether the Matter in that Behalf is herein-after excepted from the Provisions of this Act or not) Authority to hear, receive, and examine Evidence, or to receive Proof of any Fact or Matter, or to take the Affidavit or Declaration of any Person, shall and he is hereby empowered to administer, or cause to be administered by the Clerk to the Justices, the usual Oath to every such Witness, to every Complainant, and to every other Person who shall appear before him to prove any such Fact or Matter, and to take such Affidavit or Declaration.

Statutory Declaration under 5 & 6 W. 4. c. 62. before Justices to be in shorter Form.

133. Hereafter any Declaration authorized to be taken and received by the Act of the Fifth and Sixth Years of His Majesty King William the Fourth, Chapter Sixty-two, shall, when taken and received by a Justice, be in the Form (X), in the Second Schedule hereto, instead of in the Form prescribed in the Schedule to the said Act.

As to Proof of certain Proceedings:

134. In all Proceedings in any Court of Judicature, and before any Justice, (except when the particular Fact and Circumstance shall be in dispute between the Parties,) no Proof or Evidence shall be required to be given or adduced of or relating to—

Parish Meetings.

(1.) The due convening or holding of any Vestry or any Parochial Meeting or Assembly of Persons, or of any Proceeding thereat, save and except the original Minute or Entry of such Meeting or Assembly, or a true Extract therefrom, signed or purporting to be signed or to be certified by the Chairman presiding thereat:

Poor Law Unions Commissioners, &c.

(2.) The Formation or Legality of any Poor Law Union, or of any Board of Directors, Guardians, Trustees, or Commissioners, or of any Local Board, or of Persons formed or appointed pursuant to the Powers given by any Public or Private Act of Parliament, or of the Application of any Act to any District or Place for sanitary or other Purposes:

Special Sessions.

(3.) The appointing, convening, or summoning of any Special Sessions mentioned in the Eleventh Part of this Act, or of Notice of any Business to be transacted at any such Special Sessions:

Parish Rates.

(4.) The Allowance or Publication of any Parochial Rate or Assessment, or Assessment authorized to be made, raised, or levied under any Act of Parliament, or any Parochial Accounts, or of any Signature thereto:

Holding Public Offices.

(5.) The Nomination or Appointment of any Person holding any Public Office or Situation, or Office or Situation of a Public Nature, or in any Parish, or under any Poor-Law Union, or as to the Appointment or Constitution of any Corporation Sole or Aggregate, or Body of Persons, or Trustees or Commissioners, or of any Person appointed by or under, or acting or purporting to act under or in pursuance of the Provisions and Powers contained in or given by any Public or Private Act of Parliament, or in or by any Charter or Letter of Incorporation:

Notice of Public Meeting.

(6.) The holding of any Meeting, or Notice of holding or convening any Meeting, which by Law is required to be held, or to any Person to attend such Meeting or Place of Meeting, and who by Law is bound or compellable so to do, either upon or without Notice having been given or sent to him.

Computation of Time in Proceedings before Justices:

135. The Computation of Time in any way relating to any Proceeding by and before Justices under this or any other Act, and in Appeals under Sections 74 and 75 of this Act, shall be subject to the following Provisions; (that is to say,)

Certain Days excluded.

(1.) Whenever an Act is necessary or required to be done within a limited Period after the doing of some other Act, or after the happening of some Event, the Day at the Beginning as well as the Day at the End of the Period, or the Day of doing the Act necessary or required to be done, as well as the Day of the Act or Event from which the Period is to be computed, shall be excluded in the Computation:

(2.) Whenever the Day or last Day appointed for the doing of any Act shall be or fall on a Sunday, Christmas Day, Good Friday, or any Day appointed for a Public Fast or Thanksgiving, such Act, if done on the Day next following, shall be valid in Law.

When any Day falls on a Sunday, &c.

136. It shall be sufficient, in any Complaint or the Proceedings thereon, to describe the Owners or Ownership of the following Descriptions of Property as of the Persons or Bodies herein-after mentioned respectively; (that is to say),

(1.) Of Partners, Joint Tenants, Parceners or Tenants in Common, as of any One of such Persons who shall be named, and of another or others without naming him or them, as the Case may be:

Description of the Ownershipin Property of Partners, &c:

(2.) Any Work or Building made, maintained, or repaired at the Expense of any County or Place, or any Materials for the making, altering, or repairing of the same, as of the Inhabitants of such County or Place respectively:

Of Counties. 14 & 15 Vict. c. 93. s. 38.

(3.) Any Goods provided by Parish Officers, Guardians of the Poor or their Officers respectively, for the Use of the Poor, as of the Overseers of the Poor of the Parish, or Guardians of the Poor of the Union or Parish to which the same belong, without naming any of them:

In Goods provided for the Poor.

(4.) Any Materials and Tools provided for the Repair of Highways at the Expense of the Parishes or other Districts in which such Highways may be situate, as of the Surveyor or Surveyors respectively, without naming him or them:

11 & 12 Vict. c. 43. s. 4. In Materials for Highways.

(5.) Any Materials or Tools provided for making or repairing any Turnpike Road, and any Buildings, Gates, Lamps, Boards, Stones, Posts, Fences, or other Things erected or provided for the Purpose of any such Turnpike Road, as of the Commissioners or Trustees of such Turnpike Road, without naming them:

In Materials for Turnpike Roads, &c.

(6.) Any Property of any Persons described in any Act of Parliament or in any Charter or Letters of Incorporation as Commissioners of Sewers, Directors, Trustees, or by any other general Designation whatsoever, as of such Commissioners, Directors, Trustees, or Persons described by such other general Designation, without naming them:

Commissioners of Sewers, &c.

Mentioning Owners or describing Property. 14 & 15 Vict. c. 100. s. 24.

And whenever it may be necessary to mention any of such Persons or Parties in any Complaint or other Proceeding, it shall be sufficient to describe them in manner aforesaid; and whenever it shall be necessary to mention any Property in any Complaint or other Proceeding it shall be sufficient to describe it as it may be described in Indictments.

Forms in Second Schedule to be deemed valid.

137. In all Proceedings under this Act the several Forms in the Second Schedule to this Act contained (herein referred to by Letters), or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law, and shall be the proper Forms to be used, even in Cases in which other and different special Forms shall be or shall have been provided by the particular Act or Acts under which the Complaint is made; but no Departure from any of the said first-mentioned Forms, or Omission of any of the Particulars required thereby, or the Use of any other Words than those indicated in such Forms, shall vitiate or make void the Proceeding or Matter to which the same shall relate, if the Form used be otherwise sufficient in Substance and Effect, and the Words used clearly express the Intention of the Person who shall use the same; and this Enactment shall be subject to the following further Provisions:

14 & 15 Vict. c. 93. ss. 36, 37.
11 & 12 Vict. c. 42. s. 28.
11 & 12 Vict. c. 43. s. 32.
Several Offenders may be included.
Dates and Sums.
General Terms to be used.

(1.) Any Number of joint Defendants or Parties accused may be inserted in any of such Forms:

(2.) Dates and Sums of Money may be stated in any of such Forms in Words or Figures, according as the Person using the same shall see fit:

(3.) The Prosecutor or Party at whose Instance the Proceeding shall take place may be termed in such Forms the "Complainant," whether he shall be an Informant or Prosecutor or otherwise; in Proceedings for indictable Offence the Party charged may be termed the "Accused," and in summary Proceedings, the "Defendant"; and the Matter of any Proceeding may be termed the "Complaint," whether founded on an Information or otherwise.

No Objection to be allowed on Variances between Proceedings and Evidence: 14 & 15 Vict. c. 93. s. 38.

138. In Cases within the Eighth Part of this Act, the following Variances between any Form of Proceeding and the Evidence adduced in support of the Complaint shall not be deemed material, if the Requirement herein-after mentioned be proved:

(1.) Any Variance as to the Time at which the Offence or Matter of Complaint is alleged to have been committed or to have arisen, if it be proved that the Complaint was in fact made within the Time limited by Law for making the same:

(2.) Any Variance as to the Place in which the Offence or Matter of Complaint is alleged to have been committed or to have arisen, if such Offence or Matter be proved to have been committed or to have arisen within the Jurisdiction of the Justice by whom such Complaint is being or shall be heard and determined:

11 & 12 Vict. c. 43. s. 9.

And no Objection shall be taken or allowed in any Proceedings to the Mode of making any Complaint or issuing any Summons or Warrant, or to any Complaint, Summons, or Warrant, or other Form of Procedure under this Act, for any alleged Defect therein in Substance or in Form, or for any Variance between any Complaint, Summons, or Warrant, and the Evidence adduced on the Part of the Complainant at the Hearing of any Case within the Eighth Part of this Act, or on the preliminary Examination in any Case within the Ninth Part of this Act; but this Enactment shall be subject to the following Provisions:

And no Objections to be allowed for Defects in Substance or Form of Proceedings, &c.

11 & 12 Vict. c. 42. ss. 8, 9, 10.

11 & 12 Vict. c. 43. s. 9.

(3.) If any such Variance or Defect shall appear to the Justice at the Hearing to be such that the Defendant or Accused has been thereby deceived or misled, such Justice may adjourn the Hearing of the Case to some future Day, and proceed as directed by Sections 45, 46, or 48 in the respective Cases:

If Defect or Variance has misled, Case to be adjourned.

(4.) It shall not be necessary in any Case to amend the Summons, Warrant, or other Form, but the Justice may direct such Amendment to be made upon the Complaint as may appear to be requisite; and such Amendment shall be authenticated by the Signature or Initials of the Justice or the Clerk to the Justices:

Not necessary to amend any Proceeding.

(5.) If the Complaint, Summons, or Warrant in any Case within the Eighth Part of this Act shall relate to or describe an Offence or Matter of Complaint within the same Part different from or under some other Act or Section than that to which the Evidence adduced on the Part of the Complainant relates, such Complaint shall be dismissed in manner aforesaid, without Prejudice to a further Complaint being made:

When Evidence proves some other Offence, &c. than in Complaint, to be dismissed;

(6.) But if such Evidence upon a Complaint, Summons, or Warrant for an Offence under the Eighth or Ninth Parts of this Act shall prove some other Offence which may by Law be punished under another Part of this Act than that under which the Complaint is made, the Justice may either adjourn the Hearing as before mentioned, or deal with the Case in the ordinary Way, without any further Complaint being made: For the Purposes of this Enactment a Complaint

but if punishable under another Part of Act, Hearing to be adjourned, &c.

plaint shall be deemed to include a Charge made to a Constable, or at any Station House or Watch House, upon which the Defendant or Accused is apprehended or detained (whether legally or not), and brought before a Justice.

Certified Copy of Minutes of Evidence, &c. in certain Cases to be furnished to Parties, and to be Evidence, &c.

139. The Clerk to the Justices shall, on the Application of any Party to any Proceeding before a Justice, or the Attorney of such Party, furnish to him a certified Copy of any Complaint (taken separately or otherwise), Summons, Warrant, or other Proceeding, or (if a Justice shall consent thereto) of any Minutes of the Evidence referred to in Section 65 of this Act, or of any Depositions in indictable Offences not completed by the Committal or Bailing of the Accused for Trial, whether signed by the Witnesses or Justice taking the same or not, or of any Entry in the "Special Sessions Book," mentioned in Section 119 of this Act: Such original Complaint, Summons, Warrant, Proceeding, or Entry, or such certified Copy thereof respectively, may for any Purpose be received as Evidence in all Courts and before Justices of the Facts deposed to, or of the Matters to which the same shall respectively relate, unless the contrary be shown: Any Attorney or Constable shall be entitled during Office Hours to search the "Register of Decisions" mentioned in Section 66 of this Act for any Entry of a previous Conviction against any Person then in Custody for some other Offence, and to have delivered to him, on Payment of the proper Fee for the Search and Certificate, a Certificate (H b) of any Entry of a Conviction made pursuant to the said 66th Section.

Act not to extend to Revenue and other Cases, except, &c.
14 & 15 Vict. c. 93. s. 42.
11 & 12 Vict. c. 43. s. 35.

140. Nothing in this Act shall extend or be construed to extend to,—

(1.) Any Information or Complaint or other Proceeding under or by virtue of any of the Acts relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office, except Sections 70, 71, 73 (Paragraph 2), 75, 78, 123, 125, 126, 127, 128, 129:

(2.) Any Complaint for, or any Warrant or Order for the Removal of any poor Person chargeable to any Parish or Union, except such of the several Provisions in the Fifth, Sixth, Seventh, Twelfth, and Thirteenth Parts as can be applied:

(3.) Any Complaints or Orders with respect to Lunatics and Insane Persons, or the Expenses incurred for their Lodging, Maintenance, Medicine, Clothing, or Care, except such of the several Provisions in the Fifth, Sixth, Twelfth, and Thirteenth Parts as can be applied:

(4.) Complaints, Summonses, or Orders in Matters of Bastardy against the putative Father of any Bastard Child, except the several Provisions in the Fifth and Sixth Parts, Sections 64, 69, 73 (Paragraph 2), 75, 78, and 82 of the Eighth Part, and the Twelfth and Thirteenth Parts:

(5.) Any Proceedings under the Acts regulating or otherwise relating to the Labour of Children and young Persons in Mills, Factories, and Print, Bleaching, and Dyeing Works, except Sections 62, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 78, and 79 of the Eighth Part, and the Twelfth and Thirteenth Parts:

(6.) The Provisions of the Acts for the better Care and Reformation of youthful Offenders, and the "Industrial Schools Act, 1861," so far as relate to the sending of any youthful Offender or Child to a Reformatory or Industrial School:

Proviso as to Applicability of Forms, &c.

Provided always, that all the Procedings in the said several excepted Cases (except those referred to in Paragraph 2) may be in the Forms of Procedure in the Second Schedule hereto, or as near thereto as the Circumstances of the Case will admit: Provided also, that all the Provisions of the First, Second (except as mentioned at the Foot of the First Schedule), and Seventh Parts of this Act, and Sections 132, 134, 135, 136, 137, and 139, shall apply also to all the said excepted Cases.

Home Office to make Table of Fees for Service of Summons, &c. by Constables.

5 & 6 Vict. c. 109. s. 17.
2 & 3 Vict. c. 93. s. 18.
3 & 4 Vict. c. 88. s. 17.
22 & 23 Vict. c. 32. s. 28.

141. The Home Office shall from Time to Time make a Table of the Fees and Allowances which should be paid in respect of the Service of Summonses, the Execution of Warrants, and the Conveyance of Prisoners to Gaol, and into other Counties or Places, by Constables and other Persons, and from Time to Time may alter such Table; and when such Table or altered Table shall be made, the Home Office shall send Copies thereof to the several Clerks of the Peace, to be by them distributed to the several Chief Constables or other Head Constables of Counties or Places, and the Clerks to the Justices; but no Constable shall receive to his own Use any such Fees or Allowances; and when he shall receive any such Fees or Allowances, he shall account and pay over the same to the Chief or Superintendent of the Police Force to which he belongs, in manner directed by the Regulations of such Force, and be liable in default to the same Proceeding as is provided by Section 29 of this Act with respect to Clerk to Justices failing to account: And any such Fees and Allowances, when due and payable from any Party instituting any Proceeding before Justices, shall be recoverable from such Party or be remitted in the same way as the Fees due to Clerks to Justices are by Sections 34 and 35 of this Act

May be recovered from Parties before Justices.

recoverable or may be remitted: Provided always, that until such Table shall be so made such Fees and Allowances as are now by Law payable in respect of the Matters above mentioned may be received.

Chief Magistrate of Bow Street to be a Justice for Berks without Qualification.
11 & 12 Vict. c. 42. s. 31.

142. The Chief Magistrate of the Metropolitan Police Court at Bow Street for the Time being shall be a Justice of the Peace of and for the County of Berks, if his Name be inserted in the Commission of the Peace for that County, without possessing the Qualification by Estate required by Law in that Behalf, and without taking any Oath of Qualification.

Forgery of Entries in Books, &c. under this Act.
24 & 25 Vict. c. 98. s. 32.

143. Section 32 of the Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Ninety-eight, shall extend to the forging, altering, offering, uttering, disposing of, or putting off of any Entry or Document required by this Act to be made, signed, or issued by a Justice or Clerk to Justices, or any Seal or the Impression of any Seal authorized to be used upon any Document, as well as to the several Documents mentioned in the said Section, and whether the last-mentioned Documents shall purport to be signed by a Justice or Clerk to Justices as hereby authorized.

Appointments and Receipts exempt from Stamp Duty.
11 & 12 Vict. c. 43. s. 31.
14 & 15 Vict. c. 93. s. 40.
14 & 15 Vict. c. 90. s. 12

144. No Appointment made by Justices under this or any other Act, and no Receipt for Money given by any Treasurer, Clerk to Justices, Gaoler, Constable, or other Person under this Act, shall be subject to any Stamp Duty.

Schedules Part of Act.

145. The Schedules to this Act shall be deemed Part of this Act.

SCHEDULES.

FIRST SCHEDULE.

Table of Fees to be taken by Clerks to Justices.

Section 24.

	£	*s.*	*d.*
1. Allowance:—Each Allowance or Disallowance of Accounts, Rates, Assessments, Lists, or Apprentice Indentures, for which no other Fee is herein provided	*0*	*2*	*0*
2. Appeals.—*See* "Recognizance;" "Certificate;" "Notice."			
Against Rates:—Entering Appeal	*0*	*1*	*0*
Hearing	*0*	*2*	*0*
Examination of each Witness, including Oath	*0*	*1*	*0*
Order thereon in Duplicate	*0*	*4*	*0*
Amending Rate, each Person	*0*	*1*	*0*
Taxing Costs, including Appointment and Allocatur	*0*	*6*	*8*
To a Superior Court.—*See* "Recognizance."			
Drawing Case and Copy, where the Case does not exceed Five Folios	*0*	*10*	*0*
Where the Case exceeds Five Folios, then for every additional Folio	*0*	*1*	*0*
Attendances and Correspondence settling Case and procuring Justice's Signature thereto	*0*	*6*	*8*
Certificate of Refusal of Case	*0*	*2*	*0*
3. Appointment.—*See* "Constables."			
Nomination of Valuer, Surveyor, Arbitrator, &c. under the Acts as to Railways and other Public Works	*0*	*10*	*0*
Of Overseers or other Parochial Officers (except Constables) to contain the Names of all the Persons appointed at the same Time for the same Parish	*0*	*5*	*0*
Of Select Vestry, and Oath	*0*	*2*	*6*
Certificate of Appointment to each Person appointed	*0*	*0*	*6*
Of Special Constables, if Twenty-eight or less, for each Person (to include Information, Notice, or Summons, Oath and Certificate)	*0*	*1*	*6*
If more than Twenty-eight are appointed on One Occasion, for attending to summon, swear in, and make out the Appointments when necessary, for each Day	*2*	*2*	*0*
For preparing and making a List of Persons liable to serve as Special Constables in Boroughs, each Year	*2*	*2*	*0*
(N.B.—The last Three Items in Boroughs to be paid out of the Borough Fund.)			

	£	s.	d.
For the Performance of all Duties required by the Acts relating to the Appointment of and swearing-in of Parish Constables, each Parish - - - -	*0*	*7*	*6*
If more than One appointed for any Parish, for each additional Constable - - - - -	*0*	*2*	*0*
Every other Appointment or Nomination - -	*0*	*2*	*6*
4. Attendance.			
Every special Attendance on a Justice at any other Place than the Place of holding Petty Sessions, to view and affix Notice on deserted Premises, or to give Posssession thereof, to view a Highway, Bridge, or Nuisance, or to take an Examination or Deposition where the Person is, by Sickness or otherwise, unable to attend the Justice -	*0*	*6*	*8*
If required to go more than One Mile from the Place of holding Petty Sessions - - - -	*0*	*13*	*4*
And for each Mile after the Second - - -	*0*	*1*	*0*
5. Certificate.—*See* "Order."			
Authenticating Copy of Entry of previous Conviction or otherwise from "Register of Decisions" - - -	*0*	*2*	*6*
Of Condition of Recognizance not being complied with -	*0*	*1*	*0*
Of Justices Consent to bail in indictable Offences -	*0*	*1*	*0*
Of Correctness of Copy of Examinations, Minutes, Notes, or other Documents - - - - -	*0*	*1*	*0*
6. Certiorari :—Preparing Return to Writ, and Attendance and filing - - - - - - -	*0*	*13*	*4*
7. Commitment.—*See* "Warrant."			
8. Complaint :—Entering Complaint in "Complaint Book," or taking same separately in Writing, exclusive of Oath -	*0*	*1*	*0*
(N.B. In all Cases to include the several Defendants where several join in the Commission of an Offence.)			
9. Conviction.—*See* "Entries;" "Indictable Offences;" "Summary Jurisdiction."			
When required under Revenue or other Acts to be a separate Document - - - - - - -	*0*	*2*	*6*
10. Copy. *See* "Duplicate."			
Of Orders and Rules of Poor Law Commissioners, per Folio	*0*	*0*	*3*
For allowing any Copy thereof to be taken, per Folio -	*0*	*0*	*1½*
Of Depositions and Statement for Accused in indictable Offences, per Folio - - -	*0*	*0*	*1½*
The like for Prosecution, per Folio - - - -	*0*	*0*	*4*
Of Minutes of Proceedings or of any other Document, per Folio - - - - - -	*0*	*0*	*6*
(N.B.—No Charge to be made for Inspection or Search of less than a Year old, when Copy is paid for.)			
11. Depositioons.—*See* "Indictable Offences;" "Summary Jurisdiction."			
12. Duplicate (when requisite) :—One Half of the Fee for the original Document (except where otherwise charged).			

13. Entries

	£	s.	d.
13. Entries:—Entering every Recognizance in "Recognizance Book," each Case	0	2	0
Entering any Enlargement of any Recognizance	0	1	0
Entering Terms of every Adjudication or Decision in "Register of Decisions," each Case (whether One or more Defendants are adjudicated upon at the same Time and in the same Terms as to Penalty or Punishment)	0	2	6
If One or more Defendants be sentenced to a different Punishment or Penalty, then in respect of each for the additional Entry necessary, the further Sum of	0	0	6
14. Exhibit:—Of each Document given in Evidence, and read, or annexed to any Affidavit or Declaration, and marked	0	1	0
15. Fees and Fines:—Receiving, accounting for, and paying over (to be deducted from Amount), at the Rate, for every 20*s.*	0	1	0
Each Return of Copy of Account for Quarter Sessions	0	5	0
16. Forcible Entry.—*See* "Summary Jurisdiction."			
Record of forcible Entry	0	4	0
Warrant to give Possession	0	3	0
17. Hearing (other than in "Indictable Offences" and "Rates"):—Hearing and Entry of Minute of Proceedings, and Result, where no Conviction, Order, or Adjudication is made	0	1	0
18. Indictable Offences.—*See* "Summons;" "Warrant."			
Committals for Trial:—Deposition of each Witness (including Oath)	0	2	0
Statement of Accused	0	1	0
Recognizance to prosecute and give Evidence, or to answer Charge (each to include the Names of Prosecutor and Witnesses, not exceeding Eight Persons, or Accused and his Sureties, as the Case may be, in the same Case, bound at the same Time)	0	2	6
Each Person bound after the first	0	0	6
Notice thereof to each Person bound	0	0	6
Certificate of Expenses	0	1	6
Commitment (to include all accused)	0	2	0
Detainer on a second or further Charge (ditto)	0	1	0
Summary Jurisdiction—For the Performance of the several Duties in Cases decided under Part X. of this Act, in each Case, whatever the Number of Offenders charged or adjudicated upon or convicted at the same Time of the same Offence, may be (including the transmitting of the Conviction to the Clerk of the Peace but excluding a Fee of 2*s.* 6*d.* to him for filing it)	0	11	0
19. Information.—*See* "Complaint."			
20. Jurors:—Allowance of List of Jurors, including Oath, each Parish	0	4	0
Returning Lists to Clerks of the Peace (25 & 26 Vict. c. 107. s. 9.)	0	2	6

	£	s.	d.
21. Landlord and Tenant.—*See* “Warrant”; “Summary Jurisdiction”; “Attendance.”			
Information for obtaining Possession of deserted Premises, including Oath	*0*	*4*	*0*
Notice and Duplicate	*0*	*3*	*0*
Record of Proceedings in giving Possession	*0*	*7*	*6*
22. Licence.—For an Alehouse, or Transfer Licence, or for Billiards, or for Fireworks or Gunpowder	*0*	*6*	*6*
Certified Copy of Alehouse Licence, or Endorsement by Petty Sessions	*0*	*2*	*6*
For Theatres (for each Calendar Month in force), or to deal in Game, or for Slaughterhouses or Cowhouses, in the Metropolis, or any other Licence	*0*	*5*	*0*
23. Notice.—*See* “Miscellaneous Fees.”			
24. Oath.—*See* “Indictable Offences”; “Summary Jurisdiction.”			
Every Oath, Affirmation, or solemn Declaration not otherwise specified (*see* “Exhibit”)	*0*	*1*	*0*
Certificate thereof, when required	*0*	*1*	*0*
For preparing Affidavit or statutory Declaration (besides the Fee for Oath, &c.)	*0*	*2*	*0*
For every Folio after the first Six	*0*	*0*	*4*
25. Order.—*See* “Miscellaneous Fees.”			
Order or Certificate relating to a Highway, Bridge, or Nuisance, or for protecting separate Property of a married Woman, or adjudging Settlement of a Lunatic, or for Expenses	*0*	*5*	*0*
Every Bastardy or other Order, Adjudication, Award, or Certificate, not otherwise charged, when required by this Act or by any Party to be drawn up separately	*0*	*2*	*0*
If any Order other than last mentioned (except a Bastardy Order) exceeds Six Folios, then for each additional Folio of the Original	*0*	*0*	*6*
26. Poor.—*See* “Attendance;” “Appointment.”			
Settlement:—Examination of Pauper or Witnesses, including Oath, each Person	*0*	*2*	*0*
Report to Two Justices in case of Pauper's Sickness	*0*	*1*	*0*
Order of Removal in Triplicate	*0*	*5*	*0*
Suspension of Order and Counterpart, or removing Suspension	*0*	*2*	*0*
Examination of Irish or Scotch Pauper's Warrant for Removal, and Duplicate or Copy, and Copy Examination	*0*	*6*	*0*
27. Rates.—*See* “Appeals;” “Warrant.”			
Complaint for Nonpayment of any Local Rate or Rates or Taxes (to include the Names of all the Defaulters); Summons to each in Duplicate or Copy; Hearing, with Oaths and Adjudication; for which, in respect of each Defaulter, there shall be taken no more than	*0*	*2*	*6*
If paid before hearing, then only	*0*	*2*	*0*

Warrant

	£	s.	d.
Warrant of Distress upon such Complaint (to include all the Defaulters adjudicated upon at the same Time, if not exceeding Six, and apportioned amongst the Defaulters)	0	3	0
If exceeding Six, for each additional Name	0	0	6
28. Recognizance.—*See* “Entries;” “Indictable Offences; “Order.”			
On Appeal to Quarter Sessions against Decisions of Justices	0	2	6
Every other Recognizance or Bond required by Statute, where drawn up separately	0	2	6
Notice of any Recognizance to each Person bound	0	0	6
29. Registering.—*See* “Entries.”			
Person to keep Common Lodging House, or Authority to kill Hares, or Revocation thereof	0	2	6
30. Return:—To the Secretary of State as to Highways, each Parish	0	2	0
31. Search.—*See* “Entries.”			
Every Search in the “Register of Decisions” when a Copy or Certificate of Entry not paid for	0	1	0
When the same shall extend over a Year, each Year (whether Copy or Certificate of Entry paid for or not)	0	1	0
32. Summary Jurisdiction.—*See* “Warrant;” “Entries;” “Indictable Offences.”			
Every Examination or Deposition when taken, including Oath	0	1	0
Hearing and Adjudication	0	1	0
Minute of Order or Adjudication and Copy for Service, when Service necessary	0	1	6
(N.B.—Any of these Fees, when applicable to more than One Defendant, should be apportioned when adjudicating the Costs against each.)			
33. Summons:—Summons to a Defendant, Accused, Witness, or other Person (where joint Offenders, One Duplicate thereof only to be kept and charged for)	0	1	0
Affidavit of Service of Summons, or of any Order or Minute of Order or Adjudication when necessary, including Oath	0	2	0
34. Transmission of Documents:—Transmitting Summons, Order, or Minute of Order, with Form of Affidavit, to another District to be served, or a Warrant to be executed	0	2	0
35. Warrant:—To apprehend, remand, or detain a Person, or search Premises	0	1	6
To commit any Party, Witness, or other Person, or to distrain any Goods after Conviction or Adjudication (to be separate for each Person, unless otherwise directed by this Act)	0	2	0
To provide Carriages under the Mutiny Acts	0	1	0
Every other Warrant	0	3	0

36. Miscellaneous Fees—to be taken in all Cases where no similar Fees are expressly named under the foregoing Headings, and in all Cases not herein specially provided for:—

	£	s.	d.
Every Notice	*0*	*1*	*0*
Drawing any Rules or Regulations required by Statute to be made by Justices, per Folio	*0*	*1*	*0*
Every Information, Complaint, or Application, including Oath	*0*	*2*	*0*
Return to Distress Warrant, including Oath	*0*	*1*	*0*
Backing a Scotch or Irish Warrant, including Oath	*0*	*1*	*0*
Liberate or Discharge	*0*	*1*	*0*
Any other Document, signed by One Justice or more, each Justice's Signature	*0*	*1*	*0*

REGULATIONS.

The following Regulations must be observed:

1. This Table does not include the Fees payable under the Statutes relating to the Duties of Customs, nor those in the Scale made by the Home Office pursuant to 25 & 26 Vict. c. 63. s. 49. para. 7; but it relates to all other Matters and to Cases to which the Act does not wholly extend.

2. Nothing herein contained is to authorize the taking of any Fee contrary to the Provisions of any Statute now or hereafter to be passed.

3. These Fees to include Cost of Parchment where any Document is required to be or is usually written on Parchment.

4. Where the Fee is at per Folio, such Folio is to contain 72 Words.

5. No Fee to be charged, except for Documents actually prepared; but when prepared, whether by the Clerk or brought for Signature, it will be payable.

6. All Documents, except where otherwise stated, to contain the Names of all the Defendants or Parties accused upon the same Charge or Offence without extra Fee.

7. No Fee to be taken for re-swearing or re-examining any Person to a previous Deposition or Examination, or for any rehearing (unless additional Evidence be taken in Writing), or for reading over Depositions or Evidence previously taken, or for any Oath, Affirmation, or Declaration to obtain Pay, Pension, or Allowance from Government, or Friendly Society, Savings Bank, or Charitable Fund.

8. The Clerk shall, on Payment of Fees, and, if so required, in "Summary Jurisdiction" Cases, and also in Cases by Parochial Officers, deliver a written or printed Statement thereof to the Party paying the same.

SECOND SCHEDULE.

Forms to be used by Justices and others. Section 137.

(A.) *Fees and Fines Book.*

Section 28.

Number in "Register of Decisions."	Date of Hearing or Receipt.	Parties in the Case.	Offence or Matter.	Receipts.					Payments and Application of Fines, &c.	Reasons for Nonpayment of Fees or Fines, or Remarks.
				For Justices Clerks Fees.	Fines, &c.					
					For County, &c. Rate.	For Superannuation Fund.	For other Parties.	For Constables Fees.		
				£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*		

(B a.) *Complaint Book.*

Section 40, para 3.

No.	Date of Complaint and Summons.	Complainant's Name, Address, &c., and Signature.	Defendant's Name, Address, &c.	Offence or Matter of Complaint, Date, Place, and Statute.	Process issued.	By whom issued and Signature.	When Summons returnable.	Officer serving Process.
A 1.*								

* In the Second Year the Cases will be numbered B 1. to the End of that Year.

(B b.) *Complaint taken separately.*

Section 40, para. 4.

C.D., Complainant, } Sessional Division of
A.B., Defendant. } County of

The Complaint of *C.D.* of taken this Day of 186 at in the said County, who on his Oath saith that *A.B.*, [*stating Facts known to the Complainant, from which the Justice may judge of the Character of the Offence committed, or otherwise the Offence with Matter of Complaint, with Time and Place, concluding with a Reference to the Statute, as*] contrary to the Statute Vict. Cap. Sect. , [*or, if for Rates*, that *A.B.* neglects and refuses to pay the Sum of £ assessed upon him in the Rate made on *or* Sums mentioned in the Schedule hereunder written, due from *A.B.* and the several Persons therein mentioned; *adding for the Arrest of a Witness*, and he further saith that *E.F.* can give material Evidence, but is not likely to attend voluntarily, [*or* and is keeping out of the way of personal Service of Summons;] [*or for Sureties for the Peace*, and he makes this Complaint for the Safety of his Person and Property, and not from Malice or Revenge against the said *A.B.*]

Before me,
J.S., Justice of the said County.
[*Or*, This Complaint was made to me,
W.M., Clerk to the Justices.] } *C.D.*

In case of the Complaint being for several Rates; or against several Persons, where the same Persons can be Complainant, add the following:—

Schedule.

Names of the Ratepayers.	Residence.	Poor Rates dated		Highway Rate dated —— 1864.	Church Rate dated —— 1864.	Total Sum due.
		—— 1863.	—— 1864.			
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.

Section 40, para. 3; or Sect. 44.

(C.) *Summons to Defendant or Witness or Accused.*

C.D., Complainant, } Sessional Division of
A.B., Defendant. } County of

To [*A.B. or E.F.*] of

Whereas a Complaint has been duly made that [*stating shortly the Offence or Matters of Complaint, with Time and Place*], contrary to the Statute Vict. Cap. Sect. [*or, if for Rates,* that you have neglected to pay the Sum of £ *or* the Sums mentioned in the Schedule hereto, for the Rates therein mentioned, *placing a like Schedule as in Form (B a.) at Foot.*]

This is to command you to appear as a Defendant [*or* Accused *or* Witness] on the Hearing of the said Complaint, at on the Day of 186 , at o'Clock, before such Justices as shall be there.

[*If to produce Documents, &c.,* "And you are also commanded to produce at the same Time and Place the following Documents (*describing shortly the Documents, Articles, or Property*)].

Dated this Day of 186 .

J.S., Justice of the said County.

[*Or, W.M.*, Clerk to the Justices of said Division.

N.B.—If you do not appear, a Justice is empowered to grant a Warrant to arrest you.

Sects. 41-44.

(D.) *Warrant to apprehend any Party or Witness.*

C.D., Complainant, } Sessional Division of
A.B., Defendant. } County of

To the Constables of the Police Force for the County of and to all other Peace Officers of the said County.

Whereas a Complaint has been made on Oath and in Writing that [*stating Offence or Matter of Complaint, with Time and Place*] contrary to, *&c.*

[*If the Case be so, add for Defendant,* And whereas the said *A.B.* has neglected to appear in obedience to a Summons.]

[*For Witness,* Whereas Oath has been made that *E.F.* can give material Evidence, but will not attend voluntarily, *or* is purposely keeping out of the way of personal Service of a Summons, *or* has not appeared in obedience to the Summons.]

[*If after Indictment:* Whereas it has been certified to me that (*state as in Certificate of Clerk of Indictments or Peace*).]

[*For Accused surrendered by his Bail:* Whereas *L.M.*, One of the Sureties of *A.B.*, accused of (Felony), has complained on Oath to me, that the said Accused is about to abscond for the Purpose of evading Justice.]

This is to command you, the said Constables, to arrest the said *A.B.* [*or E.F.*], and to bring him before me or some other Justice of the County to answer to the said Complaint.

Given under my Hand and Seal this Day of 186
at in the said County.

J.S., Justice of said County. (L.S.)

(E.) *Commitment of a refractory Witness.*

Section 44, 86.

C.D., Complainant, *A.B.*, Defendant *or* Accused. } Sessional Division of County of

To the Constables of and to the Keeper of the Gaol at

Whereas a Complaint was made on the Day of 186 on the Oath of *C.D.*, that [*stating Offence or Matter of Complaint with Time and Place*] contrary to the Statute Cap. Sect. :* And whereas *E.F.* of, *&c.* [*Residence and Occupation*], a material Witness, has, without just Excuse, refused to make Oath as a Witness [*or* to answer certain Questions, *or* to enter into Recognizance to give Evidence on the Remand Day, *or* on the Trial of the said *C.D.*] in that Behalf.

This is to command you, the said Constables and Keeper, to take and lodge the said *E.F.* in the Gaol at there to be imprisoned by you the said Keeper until the Trial of the said *A.B.*, unless he shall in the meantime enter into such Recognizance as required [*or* until the Day of 186 , unless he shall in the meantime consent to answer as required.]

Given under my Hand and Seal this Day of 186
at in the said County.

J.S., Justice of said County. (L.S.)

(F.) *Commitment of Party on Remand or Adjournment.*

Section 48.

*Proceed as in (E) to the Asterisk *, and then:* And whereas the Hearing of the said Complaint has been adjourned to [*or if Defendant arrested,* And whereas the said Defendant *or* Accused has been brought before me under a Warrant, and the said Complaint is to be heard on] the Day of at :

This is to command you, the said Constables and Keeper, to take and lodge the said Defendant [*or* Accused] in the Gaol at there to be imprisoned by the Keeper of the said Gaol until the above Time of Adjournment [*or* Hearing], when he shall have him at the above Time and Place.

Given, *&c.* [*as* (E).]

(G.) *Register of Decisions.*

Section 66.

County of Sessional Division of

Number in Complaint Book.	Date of Adjudication.	Parties.			Offence or Cause of Complaint and Statute.	Names of Justices adjudicating.	Terms of Adjudication.			Signature of Justice or Clerk.	Justice enforcing Adjudication, or whether Sum paid.	Remarks.
		Complainant's Name, Residence, &c.	Defendants' Name, Residence, &c.				Of Penalty or other Sum, and how awarded.	Imprisonment, &c.	Dismissal or other special Adjudication.			
A 1.				Age.								

Section 66.

(H a.) *Certificate or Minute of Adjudication of Justices in Civil Cases or of Dismissal.*

C.D., Complainant, } Sessional Division of
A.B., Defendant. } County of

I certify that on the Day of at upon the Hearing of a Complaint that [*stating Matter of Complaint, with Time and Place*] contrary to the Statute, *&c.*, the Justices present made an Adjudication against the said Defendant to the following Effect, viz., to pay for the Sum of and for Costs the Sum of forthwith [*or* in Days], and in addition, *or* and in default of Payment [*or* Distress] to be imprisoned for the Period of with [*or* without] Hard Labour, unless the said Sums be sooner paid.

[*Dismissal*, that the said Complaint be dismissed on the Merits, *or* without Prejudice, and that he do pay the Sum of to the Defendant for Costs.]

Dated this Day of 186 .

J.S., Justice of the said County,
[*Or W.M.*, Clerk to Justices of said Division.]

Sections 66, 139.

(H b.) *Certificate authenticating Entry of Conviction in Register of Decisions.*

[*Exact Copy of Entry here.*]

I certify that the above is a true Copy of the Entry in the "Register of Decisions" for the Sessional Division of now in my Custody.
Dated this Day of 186 .

W. M., Clerk to the Justices.

Section 67.

(I.) *Distress Warrant for Penalty, Sum, Costs, or forfeited Recognizance.*

C. D., Complainant, } Sessional Division of
A. B., Defendant. } County of

To the Constables of

Whereas this Day [*or* on the Day of] at the Defendant being then convicted for that [*stating the Offence*] [*or* upon the Hearing of the Complaint in this Behalf, that, *stating the Matter of the*

the Complaint,] contrary to the Statute, *&c.*, the Justices present adjudged that

[*Penalty or for a Sum* :—The Defendant do pay a Penalty of [*or* the Sum of to the Complainant, [and the Sum of for Costs forthwith, *or* on the Day of [*if by Instalments, say so*].

[*Costs on Dismissal* :—That the said Complaint be dismissed on the Merits, *or* without Prejudice; and that the Complainant do pay to the Defendant the Sum of for Costs forthwith, *or* on the Day of :]

[*Amount of Recognizance estreated* :—Whereas on, *&c.*, at the Justices present adjudged that the Sum of the Amount of a certain forfeited Recognizance of the [Defendant] for his Appearance at be paid by him forthwith :]

And that in default of Payment the said Sum [or Sums] be levied by Distress and Sale of the Goods of the Defendant [*or* Complainant]:

[*For Costs of Appeal* :—And whereas the said Adjudication being appealed against, the Court of Appeal decided on the Day of that, *&c.*, and that the should pay to the the Sum of for Costs].

* And whereas the said Sum has [*or* Sums have] not been paid:

This is to command you, the said Constables, to levy the said Sum [*or* Sums], and also the Costs of the said Distress, by Distress and Sale of the Goods of the , and to pay the Sum levied to *W. M.*, the Clerk to the Justices of this Division; and if this Warrant be not executed in Days to return it to the said Clerk.

Given, *&c.* [*as in* (*E.*)]

(I a.) *Distress Warrant for One or several Rates.*

Overseers [*or*] of Complainants, } Sessional Division of
A. B. and others Defendants. } County of

To the Constables of and to the Overseers of .

Whereas this Day [*or* on the Day of], upon the hearing of the Complaint of the said Overseers [*or as the Case may be*] that *A. B.* [and the several other Persons] in the Schedule hereto had neglected and refused to pay the several Sums duly assessed upon them in the Rates mentioned and set opposite their Names in the said Schedule; and the said *A. B.* [and the said other Persons] not showing to the Justices then present any sufficient Cause for not paying the same, they adjudged the same to be levied by Distress: And whereas the said Sums have not been paid: This is to command you the said Constables to levy the Sum mentioned in the "Total" Column of the Schedule hereto, and therein set opposite to the Name of the said *A. B.* [and the said other Persons], (such Sum respectively being for the Amount of the Rates due, and the Costs incurred in their Recovery,) and the Costs of the Distress, by Distress and Sale of their respective Goods, and to pay the Sum levied to *C. D.*, the Complainant; and if this Warrant be not executed in Days, to return it to *W. M.*, the Clerk to the Justices of this Division.

Schedule.

Names of Ratepayers.	Residence.	Poor Rates, dated		Highway Rate, dated —— 1864.	Church Rate, dated —— 1864.	Cost of Summons, &c.	Total.
		1863.	1864.				
		£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*

Given, &c. [*as* (E).]

(J.) *Commitment to Gaol in any Summary Case.*

Sections 68, 72.

Proceed as in (I.) to the Asterisk, in either of the Cases there applicable, and then:*—And in default of Payment [*or* Distress, *if a Warrant of Distress issued,*] the said to be imprisoned for the Period of with [*or* without] Hard Labour, *if so,* unless the said Sums be sooner paid.

[*Where a Distress Warrant issued:*—And whereas the Defendant has, *or* admits he has, *or* it has been returned to a Warrant of Distress that he has no Goods, *or* that a Distress would be ruinous to him *or* to his Family]:

And whereas the said Sums have not been paid:

[*Where Imprisonment only adjudged, say after stating the Offence,* the Justice then present adjudged that the Defendant be imprisoned for the Period of with *or* without Hard Labour; and that he do forthwith pay to the Complainant the Sum of for Costs, and in default thereof to be imprisoned for the further Period of unless the said Sum shall be sooner paid; and which Sum has not been paid:] This is to command you, the said Constables and Keeper, to takeand lodge the said in the Gaol at to be imprisoned there for the Period of with [*or* without] Hard Labour; *if so, add,* unless the said Sums be sooner paid [and for the further Period of unless the said Sum for Costs shall be sooner paid:]

[*If cumulative Imprisonment is ordered in Offence Cases, add,* the said Period to commence from the Expiration of a certain other Term of Imprisonment to which the Defendant [already in your Custody, *if so*] has been previously duly adjudged and sentenced:]

[*Where Conviction, &c. confirmed on Appeal, say,* And whereas the Conviction or Adjudication, having been appealed against, has been duly confirmed:]

[*If Costs of taking to Prison added, say,* and I direct the Defendant to pay the Sum of the Costs and Charges of this Commitment, and of conveying him to Gaol, in addition to the Sums before mentioned.]

Given, *&c.* [*as* (*E.*):]

[*N.B. If the Commitment be on a second or subsequent Conviction, insert after the Description of the Offence, and the Words* " contrary to the Statute," *&c., the following:* " (the same being the Second Offence of the Defendant of the same Nature against the said Statute, he having been previously convicted thereof.)"]

(J a.) *Com-*

(J a.) *Commitment for Nonpayment of Rates.*

Sessional Division of County of
To the Constables of and the Keeper of the Gaol at

Whereas on the Day of at , upon the hearing of a Complaint against *A.B.* of that he had neglected and refused to pay the Sums duly assessed upon him in the Rates mentioned in the Schedule hereto; and the said *A.B.* not showing to the Justices then present any sufficient Cause for not paying the same, they adjudged the same to be levied by Distress: And whereas it has been returned to a Warrant of Distress that the said *A.B.* has no Goods: This is to command you [*conclude as in* (*J*), *and adding a similar Schedule as in the Distress Warrant* (*I a*).]

(K.) *Commitment for Contempt of Court.*

Section 55.

Sessional Divisional of County of
To the Constables of and to the Keeper of

Whereas *A.B.* of (herein-after called "Defendant") is this Day convicted before me, the undersigned Justice for the said County, sitting in Public Court at the usual Place of holding Petty Sessions for the said Division, of having this Day unlawfully and wilfully insulted me while so sitting [*or* unlawfully committed a certain Contempt of the said Court]; and I have adjudged the Defendant for his said Offence to pay a Fine of and in default of Payment to be imprisoned for Days: [And whereas the said Sum has not been paid]: This is to command (*&c. conclude as in* (*J*).)

(L.) *Form of Appeal, or Certificate of Conviction or other Adjudication when appealed against, and of Notice and Recognizance.*

Section 74.

C.D., Complainant, } Sessional Division of
A.B., Defendant. } County of

I certify that on the Day of at , the Defendant being then convicted of the following Offence, viz., (*setting it out, with Time and Place*), [*or*, that on, *&c.* at upon the hearing of the Complaint, that (*stating it, with Time and Place*)], contrary to the Statute Vict. Cap. Sect. the Justices present adjudged that [*setting forth the Terms of the Adjudication as in the "Register of Decisions," or as in a Distress Warrant or Commitment* (*I*) *or* (*J*).]

Dated this Day of 186 .

J.S., Justice of said County.
[*Or*, *W.M.*, Clerk to the Justices of said Division.]

The Person against whom the said Decision was made hereby appeals against the same to the next Court of Quarter Session to be held at .

Dated this Day of 186

A.B., Appellant.

Certificate of Clerk to Justices.

I certify, that Notice of said Appeal was duly given to me, and that the said Appellant has duly entered into a Recognizance to prosecute said Appeal [*or* has deposited the Sum of in lieu of a Recognizance conditional on his prosecuting said Appeal.]

Dated this Day of 186 .

W.M., Clerk to the Justices.

Certificate of Clerk of the Peace.

I certify that upon the hearing of said Appeal on the Day of 186 , the Court of Quarter Sessions ordered that [*state Order*], and that the [Appellant] should pay the [Respondent] the Sum of for Costs.

Dated this Day of 186 .

H. R.E., Clerk of the Peace.

Section 75.

(M a.) *Heads of Case stated by Justices for Superior Court.*

A. B., Appellant, } Sessional Division of
C. D., Respondent. } County of
In the [Queen's Bench].

This is a Case stated by us, the undersigned Justices for the said County, under the 75th Section of "The Justices Procedure Act for England, 1864," pursuant to a Rule of the said Courrt, [*or* on the Application of the Appellant, who was dissatisfied with our Decision,] on the Question of Law which arose before us as herein-after stated, on the Day of 186 the Appellant having duly entered into a Recognizance to prosecute the Appeal.

Upon the hearing of a Complaint made by the Respondent against the Appellant, that [*setting out the Offence or Matter of Complaint*] we adjudged, *&c.* [*here state the Terms of the Adjudication as in the Forms (I.) or (J.)*]: It was proved on the Part of the Respondent, *&c.*: It was contended on the Part of the Appellant, *&c.* [*setting forth the Facts and Evidence, Objections to the Admission or Rejection of Evidence, and the Opinion of the Justices thereon*].

The Questions of Law arising on the above Statement for the Opinion of this Court, therefore, are: 1st, Whether, *&c.*; 2nd, Whether, *&c.*

Witness our Hands this Day of 186

[*Signatures of Justices.*]

Section 75, para. 4.

(M b.) *Justices' Certificate of Refusal to state a Case.*

C. D., Complainant, } Sessional Division of
against
A. B., Defendant. } County of

I certify that the [Defendant] having applied to me to state a Case for the Opinion of the Court of [Queen's Bench] upon my Decision on this Complaint heard on the Day of 186 , I have refused to state such Case, being of opinion that the Application of the [Defendant] is merely frivolous.

Dated this Day of 186 .

J. S., Justice for said County.

(M c.) *Cer-*

(M c.) *Certificate of Officer of Superior Court of Order made on Appeal.*

Section 75, para. 10.

A.B., Appellant, } Court of [Queen's Bench]
C.D., Respondent } Day of 186

I certify to the Clerk to the Justices of the Sessional Division of * that upon the hearing of the said Appeal the Court did this Day reverse [*or* confirm] the Decision of the Justices in this Case, and ordered that the [Respondent] should pay to the [Appellant] the Sum of for Costs. [*Or from the Asterisk* *, that the Appellant has not duly prosecuted his Appeal to the said Court.]

L.M. [*Description of Office*] of the said Court of [Q.B.]

(N a.) *Depositions of Witnesses.*

Section 85.

C.D., Prosecutor, } Sessional Division of
A.B., Accused. } County of

The Depositions of *C.*, *D.*, *E.*, *F.*, *&c.*, taken on the day of 186 at , before the undersigned Justice of the said County, in the Presence and Hearing of *A.B.*, who stands charged for that [*state Offence, with Time and Place*], contrary to the Statute, *or* against the Peace, *&c.*

The said Deponent *C.D.*, on his [Oath] saith:—I am a and reside at, *&c.* [*stating his Evidence, as near as possible, in the Words of the Witness, and when completed to be signed by him if he will*]. [*Proceed with each Witness in the same Manner.*]

[The Cross-examination should be distinguished as "Cross-examined by the Prisoner *or* the Prisoner's Attorney."]

The above Depositions of *C.*, *D.*, *E.*, *F.*, *&c.*, (paged 1 to 10) were duly taken before me on the Day and at the Place mentioned in the Caption.

J.S., Justice.

(N b.) *Statement of the Accused.*

Section 85, para. 4.

C.D., Prosecutor, } Sessional Division of
A.B., Accused. } County of

A.B. stands charged this Day of 186 before the undersigned Justice, with the Offence set out in the Caption of the Depositions hereto annexed; and the said Charge having been read to the said *A.B.*, and the Witnesses for the Prosecution having been severally examined in his Presence, and the said *A.B.* having been first duly cautioned that he was not obliged to say anything, but whatever he did say might be given in Evidence against him upon his Trial, saith as follows: [*here state what he shall say, and in his very Words, or as nearly as possible, and to be signed by him if he will.*]

Taken before me, *J.S.*, Justice.

(O a.) *Commitment or Detainer of Accused for Trial.*

Section 85, para. 8.

C.D. Prosecutor, } Sessional Division of
A.B. Accused. } County of

To the Constables of and to the Keeper of the Gaol at

Whereas *A.B.* (herein-after called "Accused") was this Day charged before the undersigned Justice of the said County, on the Oaths of *C.D.* and others, for that the Accused on, *&c.*, at, *&c.* [*stating the Offence, Time, and Place, as in the Caption of the Depositions*]:

[*Or, where Indictment found*:—Whereas a Bill of Indictment has been found against *A.B.* (herein-after called "Accused") for the Offence of *as in the Certificate of Indictment being found*, and the Accused has been brought before me pursuant to my Warrant, *or*, and the Accused is now in the Gaol at *F.*, charged with some other Offence or Matter:]

[*Or, on Surrender of Bail*:—Whereas *A.B.*, who was bailed to answer the Charge of [*stating it*], having been arrested on a Complaint of *L.M.*, One of his Sureties, that he was about to abscond for the Purpose of evading Justice, and brought before me, I am satisfied that the Ends of Justice would be defeated if he were not committed as herein-after mentioned:]

This is to command you, the said Constables and Keeper, to take and lodge the said Accused in the Gaol at *F.* [*or, if Accused already there*, to lodge this Warrant with the Keeper of the said Gaol at *F.*], there to be safely kept by the Keeper of the said Gaol until his Trial for the said Offence, and he shall be discharged by due Course of Law, [*or if new Sureties are to be found on a Surrender of Bail, say*, until he shall find Surety *or* Sureties as is *or* are hereupon indorsed].

Given, *&c.*, [*as* (*E*).]

Section 85, para. 9.

(O b.) *Warrant to convey Accused before a Justice of another County.*

C.D., Prosecutor, } Sessional Division of
A.B., Accused. } County of *A.*

To *W.T.*, Constable of in the County of *A.*

Whereas *A.B.* was this Day charged before me, for that [*stating Offence, Time, and Place*]:

And whereas I have taken the Deposition of *C.D.* as to the said Offence:

And whereas the other Witnesses reside in the County of *B.*:

This is to command you to convey the said *A.B.* before some Justice of the last-mentioned County near the above Place, and to deliver him this Warrant and the said Deposition.

Given under my Hand and Seal this Day of 186 at .

J.S., Justice of the County of *A.* (L.S.)

Section 85, para. 10.

(O c.) *Order for Payment of the Constable's Expenses.*

C.D., Prosecutor, } Sessional Division of
A.B., Accused. } County of *B.*

To *R.W.*, Esquire, Treasurer of the said County.

Whereas *W.T.*, Constable of in the County of *A.*, hath brought before me, in obedience to a Warrant of *J.S.*, Esquire, a Justice of that County, one *A.B.*, charged with having committed the Offence of in this County, to be dealt with according to Law: [*Or*, And whereas *W.T.*, Constable, *&c.*, hath produced unto me the (annexed) Receipt of *J.W.*, Keeper of the Gaol at for the Body of *A.B.*, committed for Trial by the Warrant of *J.S.*, Esquire, a Justice of the said County of *A.*, for the Offence of in this County:] And whereas I have ascertained that the Sum which ought to be paid to the said *W.T.* for conveying the said Accused from to (a Distance of Miles), and taking him before me [*or* to the said Gaol] is the Sum of , and that the reasonable Expenses of the said *W.T.* in returning will amount to the further Sum of , making together the Sum of : This is to order you, as such Treasurer of the said County of *B.*, to pay unto the said *W. T.* the said Sum of for which Payment this Order shall be your sufficient Voucher and Authority.

Given under my Hand this Day of 186 .

J.P., Justice of County of *B.*

(O d.) *Register of Committals for Trial.*

Section 90, para. 5.

Name, &c., of Accused.	Prosecutor and Witnesses.		Offence and Date.	Date of Examination.	Where to be tried.	Committing Justice.	If bailed.			Particulars of Certificate of Expenses.	Whether Accused convicted, and the Sentence.
	Name, &c.	Recognizance.					Sureties.	Amount.	Justice.		
		£						£		£ s. d.	

(P.) *Receipt for a Prisoner.*

Section 125, para. 8.

County of .

I certify that I have this Day received from Constable of the Body of *A.B.*, together with a Warrant under the Hand of *J.S.*, Esquire, Justice for the County of , charged with the Offence of , and that the said Prisoner was sober [*or as the Case may be*] at the Time he was so delivered into my Custody.

Dated this Day of 186 .

J.W., Keeper of the Gaol at .

(Q.) *Order to discharge from Gaol.*

Section 85, para. 10.

C.D., Complainant, } Sessional Division of
A.B., Defendant. } County of

To the Keeper of the Gaol at .

Section 80.

Whereas on the Day of *A.B.* was charged [*or* convicted, *or* a Complaint was heard against *A.B.*] for that [*&c. stating the Offence, &c.*]: And whereas the said Accused was committed to take his Trial for the said Offence, but has now duly entered into Recognizance to appear for that Purpose: [*Or*, *E.F.* was committed for refusing to enter into Recognizance to give Evidence on the Trial of the said Accused for the said Offence, but has now done so:] [*Or*, and the said Accused, for Want of Evidence, has not been bailed or committed:] [*Or*, and I have, pursuant to Section 80 of "The Justices Procedure Act for England, 1864," discharged the said *A.B.* from the Conviction in that Behalf:]

This is to command you to discharge the said Person so committed, unless he shall be in your Custody for some other Cause.

Dated this Day of 186

J. S., Justice of said County.

Section 87.

(R.) *Certificates of Consent to Accused being bailed.*

(As a separate Document.)

Sessional Division of
County of

Whereas on the Day of 186 *A.B.* was committed to the Gaol at charged with Felony [*or* Misdemeanor]: I hereby consent to the said *A.B.* being bailed by Recognizances, himself in the Sum of £ and [Two] Sureties in the Sum of £ each [but I require him to give (Twenty-four) Hours written Notice to the Prosecutor *C.D.* of the Time and Place on and at which the Persons proposed as Sureties will be tendered, with their Names, Abodes, and Quality.

Dated this Day of 186

J. S., Justice of said County.

(At Foot of Depositions, or on Back of Warrant of Commitment.)

I consent to the above [*or* within-named] *A.B.* being bailed by Recognizance, himself in £ , and [Two] Sureties in £ each; but I require [*&c., as above.*]

J. S., Justice.

(R b.)

To the Keeper of the Gaol at

I certify that *A. B.*, now in your Custody on a Charge of [Felony], in default of Surety [*or* Sureties] to take his Trial, has found the Surety [*or* Sureties] required by the committing Justice, and his [*or* their] Recognizance has this Day been duly entered into before me [*or J. L.*, Esq.]

Dated this Day of 186 .

J. L., Justice of County of *A.*

[*Or, W. M.*, Clerk to the Justices of .]

Section 89.

(S.) *Certificate of Indictment being found.*

County of .

I hereby certify, that at the Court of Oyer and Terminer and General Gaol Delivery [*or* Court of Quarter Sessions] held at in the said County on the Day of 186 a Bill of Indictment was found by the Grand Jury against *A. B.*, therein described as *A. B.* of, *&c.*, for that on the Day of 186 , at , [*state Offence and Place*], and that the said *A. B.* has not appeared or pleaded to the said Indictment [*adding any other Order made as to the bailing of Accused*].

Dated this Day of 186 .

H. A., Clerk of Indictments [*or* Peace].

Part X.
Section 98.

(T a.) *Summary Conviction for an Indictable Offence.*

Sessional Division of County of .

Be it remembered, that on the Day of at in the said County, *A. B.* being charged before us, the undersigned of Her Majesty's Justices of the Peace for the said County, is convicted before us under Section of "The Justices Procedure Act for England, 1864," for that the said *A. B.* [*&c., stating the Offence, and the Time and Place when and where committed*]: And we adjudged adjudge the said *A. B.* for his said Offence to* [forfeit and pay the Sum of and in default of Payment thereof to] be imprisoned in the Gaol at *F.* for the Period of with [*or* without] Hard Labour, unless the said Sum shall be sooner paid; [*In the Case of an Offender ordered to be whipped, add,*" and to be once privately whipped during such Imprisonment, the Number of Strokes to be inflicted to be and the Instrument to be used in the Infliction of them to be a Birch Rod;" [*or if in lieu of Imprisonment, say from the Asterisk* * " to be once privately whipped," *&c.*]

Given under our Hands and Seals, the Day and Year and at the Place first above mentioned.

[*Justices Signatures and Seals.*]

[*The Commitment under this Conviction will be Form (J.)*]

(T b.) *Certificate of Expenses of Prosecution.*

Section 102.

C. D., Prosecutor, } Sessional Division of
A. B, Accused. } County of

Whereas *A. B.* has been adjudicated upon and convicted before the undersigned Justices for the said County, under Section of "The Justices Procedure Act for England, 1864"; and we having ascertained that the said Prosecutor and Witnesses are, under the Rules and Regulations now in force within the said County, lawfully entitled to the several Sums of Money hereunder set against their Names respectively for and in respect of their Expenses and Compensation in this Prosecution, do accordingly hereby certify, pursuant to Section 102 of the said Act, that the said Sums are proper to be allowed to the said several Persons, and which Sums make together the Sum of [*in Words at Length*]; viz.,—

		£ s. d.
To *C. D.*, the Prosecutor, residing at for his Attendance here Day and Night, being altogether Hours -		
For travelling Miles, Mileage, Railway Fare		
For Fees payable by him to the Clerk to the Justices	*0 11 0*	
For Constables Fees for Apprehension and Detention of the Person charged - -		
Fee to the Clerk of the Peace for filing the Conviction	*0 2 6*	
To *E. F.*, a Witness residing at for his Attendance here Day and Night, being altogether Hours - - -		
For travelling Miles, Mileage, Railway Fare		
		£

[*And so on with respect to each Witness.*]

Given under our Hands, this Day of 186 at in the County aforesaid.

[*Justices Signatures.*]

(U.) FORMS IN SPECIAL SESSIONS MATTERS.

Section 106, para. 3.

(U a.) *Minute of Appointment of Special Sessions.*

At a Petty Sessions duly summoned for the Sessional Division of [the Borough of] in the County of holden at the in in the said Division, on the Day of 186 , pursuant to Section 106 of "The Justices Procedure Act for England, 1864," before *J. S., J. L., J. P., &c.*, Esqrs., [Four] of Her Majesty's Justices of the Peace for the said [County], and acting for the said Division :

We the said Justices do, pursuant to the said Act, appoint the several Days hereunder written, upon and at which Special Sessions for the Purposes hereunder mentioned shall be holden in and for this Sessional Division during the Year commencing on the First Day of January next, each of such Special Sessions to be held at the in at the Hour of in the Forenoon; [that is to say],—

The General Annual Licensing Meeting for Alehouses and Billiards, on the Day of [August] 1865.

[Eight] Special Sessions for transferring such Licences on the Day of *&c. &c. &c. :*

For licensing Persons to sell Fireworks and deal in Gunpowder, on the same Days as for Alehouse Licence and Billiards, and transferring such Licences : :

For appointing Parochial Constables, on the Day of :

For licensing Persons to deal in Game, on the Day of :

(Twelve) Special Sessions for the Purposes of the Highways, on the Day of *&c. &c. :*

For examining and allowing the Accounts of Surveyors of Highways, on the Day of :

For allowing the Lists of Men qualified to serve on Juries, on the Day of :

For appointing Overseers of the Poor, on the Day of ;

For examining and allowing the Accounts of Overseers of Parishes not in Unions, on the Day of :

[Four] Special Sessions for hearing Appeals against Rates under 6 & 7 W. 4. c. 96. on the Day of *&c. &c.*

Given under our Hands at the Petty Sessions aforesaid.

To be signed by *J. S.*, } Justices.
J. L.,

W.M., Clerk of Special Sessions.

Section 106, para. 5.

(U b.) *List of Special Sessions appointed for the Year.*

Sessional Division [County]

comprising the Parishes of

Special Sessions for the Year 1865,

to be held at the in at o'Clock precisely.

January—For the Highways.
February—Transferring Alehouse Licenses.
,, Appeals against Rates.
March—Appointing Parochial Constables.
,, Appointing Overseers.
April—Allowance of Surveyors' Accounts.

July—Granting Licences to deal in Game.
August—General Annual Licensing Meeting; Gunpowder Licences.
September—Allowing Lists of Jurors, *&c. &c. &c.*
November—Appeals against Rates.

W.M., Clerk of Special Sessions.

(U c.) *General*

(U c.) *General Notice of Special Sessions.*

Section 110, para. 4.

Sessional Division of

Annual Alehouse Licensing Meeting *(or as the Case may be).*

Notice is hereby given, pursuant to Section 110 of " The Justices Procedure Act for England, 1864," that a Special Sessions [*or* the General Annual Licensing Meeting] of Her Majesty's Justices of the Peace acting for the Sessional Division of [the Borough of] in the County of will be holden at the in in the said Division, on the Day of next, at the Hour of in the Forenoon, for the Purpose of hearing Appeals against Rates, on the Ground of Inequality, Unfairness, or Incorrectness, under the Act of 6 & 7 W. 4. Cap. 96. [*or as the Case may be, stating shortly the Purpose, as in the Act relating to the Special Sessions*].

Dated the Day of 186 .

W.M., Clerk of Special Sessions for the said Division.

(U d.) *Clerk's Precept to Overseers or others.*

Section 110, para. 2.

To the Overseers (*or as the Case may be*) of the Parish of in the Sessional Division of in the County of .

Pursuant to Section 110 of " The Justices Procedure Act for England, 1864," I hereby give you Notice that a Special Sessions of the Justices of this Division will be holden at, &c. on, &c. for the Purpose of appointing Parochial Constables, under the Act 5 & 6 Vict. c. 109. [*or as the Case may be, stating shortly the Purpose, as in the Act relating to the Special Sessions*]; and I do hereby direct and require you [*stating the Act to be done, as in the particular Statute*].

Dated, *&c.* [as *in Form* (U c).]

(U e.) *Clerk's Precept to Constable to affix Notices, &c.*

Section 110, para. 3.

To *M.N.*, Superintendent of Police [*or* Constable] of in the Sessional Division of .

Pursuant to Section 110 of " The Justices Procedure Act for England, 1864," I hereby direct and require you forthwith [*or* within Days next ensuing your receiving this Precept] to affix on the Door of the Church of each of the several Parishes of in the said Sessional Division One of the Notices herewith sent relating to Special Sessions for hearing Appeals against Rates under the Act 6 & 7 W. 4. c. 96. [*or as the Case may be in the Act*]:

[*Or*, to serve each of the Precepts *or* Notices sent herewith relating to Special Sessions for on the Persons respectively to whom they are directed :]

And I further direct you to send me on or before the Day of a Certificate, endorsed on this Precept, of your having so done.

Dated, *&c.* [*as in Form* (*U c*).]

(U f.) *Clerk's Notice to the Justices.*

Section 110, para. 5.

To *J.S.*, Esquire, Justice of the Peace for the Sessional Division of

I hereby give you Notice, pursuant to Section 110 of " The Justices Procedure Act for England, 1864," that a Special Sessions will be holden at, *&c.*, on, *&c.*, for the Purpose of [*stating it shortly*], under the Act Vict. Cap.

[*Or if Special Sessions is to be held on the same Day for more than One Purpose, say,* " for the following Purposes, viz. :"]

Dated, &c. [*as in Form* (*U c*).]

Section 117. (U g.) *Caption of an Order, &c. of Special Sessions.*

to wit. } At a Special Sessions for the Sessional Division of [the Borough of] in the County of holden at the in in the same Division, on the Day of 186 [by Adjournment from the Day of *if so*], before *J.S.*, *J.L.*, *J.P.*, *&c.* [Four] of Her Majesty's Justices of the Peace for the said [County], and acting for the said Division for the Highways, [*or* for the Purpose of, *stating it shortly*,] under the Act.

[*Then will follow the Matter of the Order, &c.*]

Given under our Hands and Seals at the [adjourned] Special Sessions aforesaid.

J.S. (L.S.)
J.L. (L.S.)

[*This Form is to be used only where no like Form is already given in the particular Act.*]

Section 124. (V a.) *Warrant to search.*

C.D., Complainant, } Sessional Division of
A.B., Defendant. } County of *A.*

To the Constable of

Whereas it appears on the Oath of *C.D.* of *N.*, that the following Articles of Property, viz. [*describe them*], were stolen, and that there is Reason to suspect that the same is concealed in at in the said County of *A.*: This is therefore to authorize and require you to enter in the Daytime into the said Premises, and to search for said Property, and to bring the same, and the Persons in whose Possession the same may be found, before me or some other Justice of the said County.

Given under my Hand and Seal this Day of 186 at

J.S., Justice of said County. (L.S.)

Section 123. (V b.) *Indorsement on Warrant for Execution in Scotland or Ireland, &c.*

County of to wit. } It being proved to me that the Signature " " to the within Warrant is in the Handwriting of the Justice of the Peace within mentioned, and that the Person against whom it is issued is to be found [*or* his Goods] at in this County, I hereby endorse the Warrant for Execution in this County.

Dated this Day of 186 at

J.M., Justice for said County.

Section 126. (V c.) *Constable's Return of No Goods (by Indorsement on Distress Warrant).*

I certify that after diligent Search [and for the following Reasons (*set them out*)] sufficient Goods of the Person against whom the within Warrant was issued cannot be found.

Dated this Day of 186 .

W.T., to whom this Warrant was delivered for Execution.

(W a.) *Recog-*

(W a.) *Recognizance Book.*

Section 127, para. 7.

Date.	Principal bound, Residence, &c.	Amount.	Sureties Residence, &c.	Amount.	Offence, &c.	Obligation of Recognizance.	Before whom taken.	By whom estreated, Date, and Remarks.
186 .		£		£				

(W b.) *Recognizance when required to be by a separate Document.*

Section 127, para. 8.

Sessional Division of County of

Be it remembered, that on the Day of 186 ,

A.B. of No. in Street, *&c.*, Laborer,

L.M. of No. in Street, *&c.* (of which House he is Owner *or* Tenant,) Dairyman, and

N.O. of No. in (of which House he is a Lodger), Grocer, personally came before me, the undersigned Justice of the said County, and severally acknowledged themselves bound to forfeit to the Crown the Sum of [*or where Sureties taken for an Accused or Appellant*, the Sums following, viz., the said *A.B.* the Sum of and the said *L.M.* and *N.O* as his Sureties the Sum of each] in case the said *A.B.*, or each of the Persons above bound respectively, fails to perform the Obligation endorsed [*or* hereunder written].

Taken before me,

J.S., Justice of said County.

Whereas *A.B.* stands charged, for that he [*&c., stating the indictable Offence as in the Caption of the Depositions*];

[*or* *A.B.* has appealed against a certain Decision of the Justices of the said Division made on the Day of to the next Court of Quarter Sessions for the said County];

[*or* *A.B.* has been required by Justices to be bound to keep the Peace and be of good Behaviour towards *C.D.*]:

The Obligation therefore is, that the said several Persons do attend the next Court of Assizes [*or* Quarter Sessions] to be held at in and for the said County, and there prefer or prosecute, *or* give Evidence on, a Bill of Indictment against the said *A.B.* for the said Offence [and then and there to produce the Property and Articles the Subject of the said Charge;]

[*or* to surrender himself to the Keeper of the Gaol at *F.*, and plead to any Indictment found against him for the said Offence, and take his Trial for the same;]

[*or* to prosecute his Appeal against the said Decision, and not depart the Court without Leave; *or* and to appear at on after the Determination of the said Appeal].

[*or* to keep the Peace and be of good Behaviour towards Her Majesty and all her liege Subjects, and particularly towards *C.D.*, for the Space of]

(W c.) *Notice*

Section 127, para. 12.

(W c.) *Notice of any Recognizance to Person bound.*

Sessional Division of County of

Take Notice, that you, *A.B.*, are bound by Recognizance to forfeit the Sum of £ if you fail [*or* if for whom you are Surety, fails] to perform the following Obligation; viz.

To attend at on the Day of 186 at o'Clock at Noon, to answer further to the Charge of Felony [*or* Misdemeanor] made against him:

To attend the next Court of Assizes or Quarter Sessions at [on the Day of *if Day be known*]:

To prosecute [*or* give Evidence] against *A.B.* for Felony [*or* Misdemeanor]:

To surrender yourself *or* himself to the Keeper of the Gaol at *F.*, and plead to any Indictment found against you *or* him on a Charge of Felony [*or* Misdemeanor], and take your *or* his Trial for the same:

To prosecute your *or* his Appeal to the next Quarter Sessions, *or* to the Court of Queen's Bench, against a certain Decision of Justices, and not depart the Court without Leave; *or* and to appear at on after the Determination of such Appeal:

To keep the Peace and be of good Behaviour towards Her Majesty and all her liege Subjects, and particularly towards *C.D.*, for the Space of

Dated this Day of 186 .

J.S., Justice.

[*Or*, *W.M.*, Clerk to the Justices of the said Division.]

Section 133.

(X.) *Solemn Declaration.*

I *A.B.* of [Profession, *&c.*], do solemnly and sincerely declare, that [*here insert the Matter or Facts required; and if it be divided into more Paragraphs than One, say,* declare as follows, that is to say, *and then number the Paragraphs*]; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two, for the Abolition of unnecessary Oaths.

A.B.

Made and subscribed at this Day of 186 before me,

J.S., Justice of the Peace for the
County of

Section 66.

(Y.) *Order in Bastardy Cases, or for the Payment of Money or otherwise, and where Parties shall require a separate Order to be drawn up.*

C.D., Complainant, } Sessional Division of
A.B., Defendant. } County of

Be it remembered, that on this Day of 186 , at , in the said County, a certain Complaint of *C. D.* of, *&c.*, made under the Statute Vict. Cap. Sect. for that one *A.B.* of, *&c.*, [*stating the Matter of Complaint, with Time and Place*], was duly heard by and before us the undersigned, [Two] of the Justices for the said County [in the Presence and Hearing of the said *A. B. if so; or* "the said *A. B.* not appearing to the Summons duly issued and served in this Behalf;"] and pursuant to the said Act we do order and adjudge [*or* award, *as in the Terms of the Act in that Behalf:* And we do further order and adjudge] the said *A. B.* to pay to the said *C. D.* the Sum of [*stating for what*], and also the Sum of for his Costs in this Behalf; the said Sums to be paid forthwith [*or* on or before the Day of next], and in default of Payment of the same to be levied or recovered as by Law directed. [*It need not adjudicate the Mode of Recovery or Imprisonment in default, although stated at the Time of hearing.*]

Given under our Hands and Seals this Day of
186 at

[*Justices Signatures and Seals.*]

THIRD SCHEDULE.

ENACTMENTS REPEALED. Section 130.

Session and Chapter.	Title.	Extent of Repeal.
3 Jac. 1. c. 10. -	An Act for the rating and levying of the Charges for conveying Malefactors and Offenders to Gaol.	Sections 1 and 3.
27 G. 2. c. 3. -	An Act for the better securing to Constables and others the Expenses of conveying Offenders to Gaol, and for allowing the Charges of poor Persons bound to give Evidence against Felons.	The whole.
9 G. 4. c. 61. -	An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in England.	Section 15.
5 & 6 W. 4. c. 50.	An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England.	Section 110.
5 & 6 W. 4. c. 76.	An Act to provide for the Regulation of Municipal Corporations in England and Wales.	Sections 111, 124 (as to Table of Fees for Clerk to the Justices), 126, 128 to 132, both inclusive.
2 & 3 Vict. c. 47.	An Act for further improving the Police in and near the Metropolis.	Section 77 (except as to Application of Penalty).
2 & 3 Vict. c. 71.	An Act for regulating the Police Courts in the Metropolis.	Sections 17, 19, 20, 21, 22, 31 to 36, both inclusive, 42, 43, 44, 45, 48, 49, and 50 (as to Manner of appealing only).
2 & 3 Vict. c. xciv.	An Act for regulating the Police in the City of London.	Sections 97 (except as to Application of Penalties), 98, 99, 100, and 101 (as to Manner of appealing only, but except as to Appeal against Rates).
5 & 6 Vict. c. 44.	An Act for the Transfer of Licences and Regulation of Public Houses.	Section 3.
5 & 6 Vict. c. 109.	An Act for the Appointment and Payment of Parish Constables.	Section 17 (except as to Payment of Fees and Allowances by the Overseers).

Session and Chapter.	Title.	Extent of Repeal.
6 & 7 Vict. c. 68.	An Act for regulating Theatres - - -	Section 6.
7 & 8 Vict. c. 33.	An Act for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties.	Section 7.
12 & 13 Vict. c. 14.	An Act to enable Overseers of the Poor and Surveyors of the Highways to recover the Costs of distraining for Rates.	The whole.
10 & 11 Vict. c. 82.	An Act for the more speedy Trial and Punishment of Juvenile Offenders.	The whole.
11 & 12 Vict. c. 42.	An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales, with respect to Persons charged with indictable Offences.	The whole.
11 & 12 Vict. c. 43.	An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales, with respect to Summary Convictions and Orders.	The whole.
13 & 14 Vict. c. 37.	An Act for the further Extension of Summary Jurisdiction in Cases of Larceny.	The whole.
13 & 14 Vict. c. 87.	An Act for Payment of a Moiety of certain Penalties to Police Superannuation Funds.	The whole.
14 & 15 Vict. c. 55.	An Act to amend the Law relating to the Expenses of Prosecutions, and to make further Provision for the Apprehension and Trial of Offenders, in certain Cases.	Sections 9 to 12, both inclusive, (except as to Clerks of the Peace), and Section 18.
18 & 19 Vict. c. 126.	An Act for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases.	Sections 1 to 17, both inclusive, and Section 22.
20 & 21 Vict. c. 43.	An Act to improve the Administration of the Law so far as respects summary Proceedings before Justices of the Peace.	The whole.
21 & 22 Vict. c. 73.	An Act to amend the Law concerning the Powers of Stipendiary Magistrates and Justices of the Peace, in certain Cases.	Sections 1 to 5, both inclusive.
22 & 23 Vict. c. 14.	An Act to amend an Act of the Thirty-ninth and Fortieth Years of King George the Third, for better regulating the Business of Pawnbrokers.	The whole.
22 & 23 Vict. c. 32.	An Act to amend the Law concerning the Police in Counties and Boroughs in England and Wales.	Section 14.
24 & 25 Vict. c. 96.	An Act to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences.	Sections 99, 105 to 112, both inclusive, and Section 120.
24 & 25 Vict. c. 97.	An Act to consolidate and amend the Statute Law of England and Ireland relating to malicious Injuries to Property.	Sections 62 to 70, both inclusive, and Section 76.
24 & 25 Vict. c. 99.	An Act to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin.	Sections 32 and 41.
24 & 25 Vict. c. 100.	An Act to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person.	Sections 44, 45, 72, and 76.

Session and Chapter.	Title.	Extent of Repeal.
24 & 25 Vict. c. 130.	An Act for amending an Act passed in the last Session of Parliament, to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks.	Section 2.
25 Vict. c. 18.	An Act to amend the Law as to the whipping of Juvenile and other Offenders.	The whole.
25 & 26 Vict. c. 82.	An Act for the more economical Recovery of Poor and other Local Rates and Taxes.	The whole.
26 & 27 Vict. c. 77.	An Act to amend the Law relating to the Jurisdiction of Justices residing or being out of the County for which they are Justices.	The whole.

Justices of the Peace Procedure.

A

BILL

To consolidate and amend the Acts regulatin
Procedure before Justices of the Peace ou
of Quarter Sessions in England.

(*Prepared and brought in by*
Mr. Paull, Mr. Richard Hodgson, and Mr. Staniland.)

[*Price* 1*s.* 5*d.*]

Ordered, by The House of Commons, *to be Printed,*
8 *June* 1864.

[Bill 138.]

Under 17 *oz.*

A

BILL

TO

Confirm certain Proceedings of the Justices for the County of Sussex.

Preamble.

WHEREAS the County of Sussex is divided or reputed to be divided for certain Purposes into Two Divisions called respectively the Eastern and Western Divisions, but there is but One Commission of the Peace for the whole County: And whereas the Court of Quarter Sessions for the said County is for Convenience held every Quarter first in one of the said Divisions and then in the other: And whereas the Justices for the said County, meeting in Quarter Sessions in the said Divisions respectively, have been accustomed to make separate County Rates for each Division, and to do and regulate divers other Acts, Matters, and Things for each Division separately, as if in fact each of such Divisions was a separate County: And whereas a separate Basis or Standard for the Assessment of the County Rates has been made for each Division: And whereas Doubts have arisen whether, under the several Acts regulating the County Rate, and such other Acts, Matters, and Things, or otherwise, each of such Divisions ought to have been treated as a separate County, and whether a separate Basis or Standard for the County Rate ought to have been made as aforesaid:

And whereas it is believed that sometimes through Inadvertence the Court of Quarter Sessions in the said County may not have been properly adjourned from Time to Time and from Place to Place: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Basis for County Rate and Rates in either Division declared valid.

1. The Basis or Standard for the County Rate, and every Rate, Order, Act, Matter, or Thing heretofore made, done, or regulated as aforesaid in respect of either Division of the said County separately by the said Justices sitting as aforesaid in such Division, shall be as valid as if such Division was a separate County, and such Justices were in fact acting under a separate Commission of the Peace for such Division.

Power to Justices in either Division to make Rates separately.

2. Until the *First Day of January One thousand eight hundred and sixty-six*, and to the End of the then next Session of Parliament, it shall be lawful for the said Justices, sitting as aforesaid in either Division of the County, to make, do, and regulate every Rate, Order, Act, Matter, and Thing in respect of such Division separately in the same Manner as hitherto; and every such Rate, Order, Act, Matter, and Thing so made, done, and regulated before the said *First Day of January One thousand eight hundred and sixty-six* shall be as valid as if such Division was a separate County, and such Justices were in fact acting under a separate Commission of the Peace for such Division.

Courts of Quarter Sessions that have been held in either Division to be deemed to have been duly held, notwithstanding any Want of Adjournment.

3. Every Court that has been held in either Division of the said County, purporting to be a Court of Quarter Sessions for the said County, or a Continuance of any such Court, shall be deemed to have been duly held as a Court of Quarter Sessions for the said County, notwithstanding the Want of any Adjournment which ought to have been made, and that every Order, Conviction, Judgment, Act, Matter, or Thing made, recorded, or done at any such Court shall be as valid to all Intents and Purposes as if such Adjournment had been duly made.

Justices Proceedings Confirmation (Sussex).

A

B I L L

To confirm certain Proceedings of the
Justices for the County of Sussex.

(*Prepared and brought in by*
Mr. Dodson, Colonel Barttelot, and Mr. Cobbett.)

Ordered, by The House of Commons, *to be Printed,*
13 *July* 1864.

[Bill 203.]

Under 1 *oz.*

19 *February* 1864. 27 Vict.

A

BILL

TO

Confirm certain Provisional Orders under "The Land Drainage Act, 1861."

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Land Drainage Act, 1861," duly made the Provisional Orders contained in the First, Second, Third, and Fourth Parts of the Schedule to this Act annexed, and it is by the said Act provided that no such Orders shall be of any Validity whatever until they shall have been confirmed by Parliament, and it is expedient that the said Orders should be so confirmed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.
24 & 25 Vict. c. 133.

1. Each of the Provisional Orders contained in the Schedule hereunto annexed is hereby confirmed, and from and after the passing of this Act shall be deemed to be a Public General Act of Parliament of the like Force and Effect as if the Provisions of the same had been enacted in the Body of this Act.

Provisional Orders in Schedule confirmed.

2. This Act may be cited for all Purposes as "The Land Drainage Supplemental Act, 1864."

Short Title.

SCHEDULE to which this Act refers.

PART I.

In the Matter of the River WISSEY in the County of NORFOLK.

WE, the Inclosure Commissioners for England and Wales, in pursuance of the Power given to us by "The Land Drainage Act, 1861," do, by this Provisional Order, under our Seal, constitute the Lands which are delineated on a Map authenticated under our Hands and Seal as the Map referred to in this Provisional Order, and intituled the River Wissey separate Drainage District Map, and a Copy of which is deposited in the Inclosure Office, a separate Drainage District under the said Act:

And we do further, by this our Provisional Order, make the following Regulations with respect to the Drainage Board:

That the Drainage Board for the said District shall consist of Seventeen Members:

That the following Persons shall be the Members of the First Drainage Board:—the Chancellor of Her Majesty's Duchy of Lancaster for the Time being, or any Agent appointed in Writing under the Hand of the said Chancellor; Sir Henry G. Bedingfield of Oxborough Hall, Brandon, Norfolk, Baronet; James Bradfield Saunders Bradfield, Esquire, Stoke Ferry, Gentleman; Thomas Pooley Northwold Brandon, Land Agent; Edmund Oldfield Foulden Brandon, Gentleman; George Samuel Kett, Esquire, Brook House, Norwich, Gentleman; Ambrose Pryer, junior, Oxburgh Brandon, Farmer; the Reverend William Joseph Parkes Hilgay, Downham Market, Norfolk, Clerk; William Peacock Savage, Agent for Mrs. Louisa Jones, Roxham, Downham Market; Walter Flatt, Eastmoor near Stoke Ferry, Farmer; the Right Honourable Edward Cardwell, M.P., London, Chancellor of the Duchy Court of Lancaster; Charles Carter, Northwold, Norfolk, Gentleman; William Constable Methwold, Brandon, Farmer; Edward Roger Pratt, Ryston House, Downham Market, Gentleman; Thomas Howard of 127 Piccadilly, London, Captain in the Queen's Body Guard; and the Reverend Robert Phelps, D.D., Cambridge, Master of Sydney Sussex College:

That the First Meeting of the said Board shall be summoned by Notice under the Hands of any Two or more of the said Board, published in some Newspaper generally circulated in the District, and posted on the Church Doors of the above-mentioned Parishes at least Fourteen Days before the Day of Meeting:

That the Qualification of any subsequent Member of the said Board shall be, that he shall be Proprietor within the Meaning of the said Act of not less than Fifty Acres of Land within the taxable Area, or the Agent acting under the written Appointment of any Proprietor of not less than Fifty Acres of such Land:

That the Members of the First Board shall vacate their Offices on the First Thursday in September in the Year following that in which this Provisional Order shall be confirmed by Parliament:

That the Electors for Members of the Drainage Board shall be the Persons who have, during the Year immediately preceding such Election, been rated to any Drainage Rate of the District hereby constituted, and have paid all such Rates due from them at the Time of such Election.

In witness whereof, we have hereunto set our official Seal, this Second Day of July One thousand eight hundred and sixty-three.

L.S.

PART 2.

In the Matter of Currymoor Improvement, situate in the several Parishes of Stoke St. Gregory, Lyng Durston, Creech St. Michael, and North Curry in the County of Somerset.

We, the Inclosure Commissioners for England and Wales, in pursuance of the Power given to us by "The Land Drainage Act, 1861," do, by this Provisional Order, under our Seal, constitute the Lands which are delineated on a Map authenticated under our Hands and Seal as the Map referred to in this Provisional Order, and intituled the Currymoor separate Drainage District Map, and a Copy of which is deposited in the Inclosure Office, a separate Drainage District under the said Act:

And we do further, by this our Provisional Order, make the following Regulations with respect to the Drainage Board:

That the Drainage Board for the said District shall consist of Nine Members:

That the following Persons shall be the Members of the First Drainage Board:—W. Gore Langton, Esquire, M.P., Hatch Court near Taunton; William Barrett, Esquire, (Agent to Mrs. Gould,) Moredon Court near Taunton; Thomas Mullins, junior, Esquire, Goathurst near Bridgewater; James Turner, Esquire, Lyng Court near Taunton; George Crease, North Curry, Yeoman; John Hurman, Stoke St. Gregory, Yeoman; William Herman, Stoke St. Gregory, Yeoman; George Coate, North Curry, Yeoman; and Charles Barrington, junior, North Curry, Yeoman:

That the First Meeting of the said Board shall be summoned by Notice under the Hands of any Two or more of the said Board, published in some Newspaper generally circulated in the District, and posted on the Church Doors of the above-mentioned Parishes at least Fourteen Days before the Day of Meeting:

That the Qualification of any subsequent Member of the said Board shall be, that he shall be the Proprietor of not less than Fifteen Acres of Land within the Area of the said District; or, secondly, the Heir Apparent of the Proprietor of an Estate of not less than Fifteen Acres in Extent within the Area of the said District; or, thirdly, occupying Tenant, yearly or otherwise, of not less than Fifty Acres within the Area of the said District; or, fourthly, the

Agent of a Proprietor of an Estate of not less than Fifteen Acres of Land within the Area of the said District, such Agent acting under a written Appointment:

That the Members of the First Board shall vacate their Offices on the First Thursday in September in the Year following that in which this Provisional Order shall be confirmed by Parliament:

That the Electors for Members of the Drainage Board shall be the Persons who have, during the Year immediately preceding such Election, been rated to any Drainage Rate of the District hereby constituted, and have paid all such Rates due from them at the Time of such Election.

In witness whereof we have hereunto set our official Seal, this Eighteenth Day of November One thousand eight hundred and sixty-three.

L.S.

PART 3.

In the Matter of Stanmoor Improvement, situate in the Parish of Stoke Saint Gregory in the County of Somerset.

We, the Inclosure Commissioners for England and Wales, in pursuance of the Power given to us by "The Land Drainage Act, 1861," do, by this Provisional Order, under our Seal, constitute the Lands which are delineated on a Map authenticated under our Hands and Seal as the Map referred to in this Provisional Order, and intituled the Stanmoor separate Drainage District Map, and a Copy of which is deposited in the Inclosure Office, a separate Drainage District under the said Act:

And we do further, by this our Provisional Order, make the following Regulations with respect to the Drainage Board:

That the Drainage Board for the said District shall consist of Eight Members:

That the following Persons shall be the Members of the first Drainage Board:—W. Gore Langton, Esquire, M.P., Hatch Court near Taunton; William Howse, Stathe Court, Stoke Saint Gregory, Yeoman; William Barrett, Esquire, (Agent to Mrs. Gould,) Moredon House near Taunton; Thomas Hembrow, junior, Slough Farm, Stoke Saint Gregory, Yeoman; William Morris, Bishops Lydeard near Taunton, Yeoman; Thomas Howse, Stathe, Stoke St. Gregory, Yeoman; John House, junior, Churley Farm, Stoke St. Gregory, Yeoman; and Cuthbert Rodham Morriss, North Curry, Auctioneer:

That the First Meeting of the said Board shall be summoned by Notice under the Hands of any Two or more of the said Board, published in some Newspaper generally circulated in the District, and posted on the Church Doors of the above-mentioned Parishes at least Fourteen Days before the Day of Meeting:

That the Qualification of any subsequent Member of the said Board shall be, that he shall be the Proprietor of not less than Eight Acres of Land within the

Area of the said District; or, secondly, the Heir Apparent of the Proprietor of an Estate of not less than Eight Acres in Extent within the Area of the said District; or, thirdly, occupying Tenant, yearly or otherwise, of not less than Twenty-five Acres within the Area of the said District; or, fourthly, the Agent of a Proprietor of an Estate of not less than Eight Acres of Land within the Area of the said District, such Agent acting under a written Appointment:

That the Members of the First Board shall vacate their Offices on the First Thursday in September in the Year following that in which this Provisional Order shall be confirmed by Parliament:

That the Electors for Members of the Drainage Board shall be the Persons who have, during the Year immediately preceding such Election, been rated to any Drainage Rate of the District hereby constituted, and have paid all such Rates due from them at the Time of such Election.

In witness whereof we have hereunto set our official Seal, this Eighteenth Day of November One thousand eight hundred and sixty-three.

L. S.

PART 4.

In the Matter of Dysynny Valley Drainage, situate in the several Parishes of Towyn, Llanegryn, Tallylyn, and Llanfihangel-y-Pennant in the County of Merioneth.

We, the Inclosure Commissioners for England and Wales, in pursuance of the Power given to us by "The Land Drainage Act, 1861," do by this Provisional Order under our Seal constitute the Lands which are delineated on a Map authenticated under our Hands and Seal as the Map referred to in this Provisional Order, and intituled the Dysynny Valley separate Drainage District Map, and a Copy of which is deposited in the Inclosure Office, a separate Drainage District under the said Act:

And We do further, by this our Provisional Order, make the following Regulations with respect to the Drainage Board:

That the Drainage Board for the said District shall consist of Ten Members:

That the following Persons shall be the Members of the First Drainage Board:—The Right Honorable E. Vane of Plas Machynlleth; John Soden, of Bath, Esquire; William Watkin Edward Wynne of Peniarth, Esquire, M.P.; John Foulkes of Aberdovey, Esquire; George Jonathan Scott of Peniarth Uchaf, Esquire; Evan Rowlands of Peniarth, Gentleman; Jacob Henry Cotterill of Bath, Esquire; Thomas Edwards of Towyn, Gentleman; Lewis Williams of Dolgelly, Esquire; and John Silvester of Plas Edward, near Towyn, Esquire.

That the First Meeting of the said Board shall be summoned by Notice under the Hands of any Two or more of the said Board, published in some Newspaper generally circulated in the District, and posted on the Church Doors of the above-mentioned Parishes at least Fourteen Days before the Day of Meeting:

That the Qualification of any subsequent Member of the said Board shall be, that he shall be the Proprietor of not less than Twenty Acres of Land within the Area of the said District; or, secondly, the Heir Apparent of the Proprietor of an Estate of not less than Twenty Acres in Extent within the Area of the said District; or, thirdly, occupying Tenant, yearly or otherwise, of not less than Forty Acres within the Area of the said District; or, fourthly, the Agent of a Proprietor of an Estate of not less than Twenty Acres of Land within the Area of the said District, such Agent acting under a written Appointment:

That the Members of the First Board shall vacate their Offices on the First Thursday in September in the Year following that in which this Provisional Order shall be confirmed by Parliament:

That the Electors for Members of the Drainage Board shall be the Persons who have, during the Year immediately preceding such Election, been rated to any Drainage Rate of the District hereby constituted, and have paid all such Rates due from them at the Time of such Election.

In witness whereof, we have hereunto set our official Seal, this Third Day of December One thousand eight hundred and sixty-three.

L.S.

Land Drainage (Provisional Orders).

A
BILL

To confirm certain Provisional Orders under "The Land Drainage Act, 1861."

(Prepared and brought in by Mr. Bruce and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 19 *February* 1864.

[Bill 25.]

Under 1 *oz.*

8 *February* 1864. 27 Vict.

(Ireland.)

A

B I L L

FOR

The Amendment in certain Particulars of "The Landed Property Improvement (Ireland) Act, 1860," and to encourage Agricultural Improvements in that Country.

Preamble.

WHEREAS it is expedient that Provision should be made for facilitating Improvements of Landed Property in Ireland, and "The Landed Property Improvement (Ireland) Act, 1860," requires to have its Machinery made less costly and intricate: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Short Title.

1. This Act may be cited as "The Amended Landed Property (Ireland) Improvement Act, 1864."

Sanction of Chairman not necessary to certain Leases.

2. No Improvement or Building Lease granted under Part II. of the said Act of 1860 shall require the Sanction of the Chairman where the annual Rent reserved on such Improvement Lease shall not exceed *Fifty Pounds*, and shall at least be equal to the annual Sum at which the Land comprised in the said Improvement Lease shall have been valued for Poor's Rate at the striking of the Rate next preceding the Date of such Lease, and where the Rent reserved on such Building

Lease of Land in any Town or Village in Ireland shall not exceed *Twenty Pounds* per Annum, and the Quantity of Land comprised therein shall not exceed *Half an Acre;* and the Term of such Agricultural or Building Lease shall not be greater than the Terms specified in such Lease in the said recited Act, and shall conform in all other respects, save only so far as regards the Sanction of the Chairman, to the Provisions of the said Act of Twenty-third and Twenty-fourth of Victoria, Chapter One hundred and fifty-three.

Registration of Leases.

3. All Improvement or Building Leases granted under the said Act or this Act shall be duly registered within *Twelve* Months after the Execution of the same.

Where the Sums to be expended in Improvement do not exceed 100*l*.

4. Sections Thirty-nine and Forty shall not apply to any Case where the Sum or Sums to be expended by the Tenant shall not exceed the Sum of *One hundred Pounds* in the whole.

No Provisional Order necessary.

5. No formal Provisional Order, as in the Forty-third and subsequent Sections specified, shall be necessary where the total Expenditure is not to exceed *One hundred Pounds,* but it shall be sufficient for the Clerk of the Peace to grant the Tenant, immediately after the Statement required by Section Forty-one is lodged with him, duly verified by an Affidavit of the Tenant lodging the same, (which Affidavit the Clerk of the Peace is hereby empowered to receive and take,) a Certificate stating the Date and Fact of such Lodgment, and the Clerk of the Peace shall upon the Receipt of such Statement serve Notice and a Copy thereof on the Owner or his Agent, and the Certificate thereupon shall operate as a Provisional Order under the Act.

Causes against Absolute Order.

6. The Person resisting the making an Absolute Order in such Cases shall, in addition to the Causes on which he may rely under Section Forty-seven, be at liberty also to insist on the various Causes specified in Section Forty-three for resisting the making of a Provisional Order.

This Act and Act of 1860 to be construed as One Act.

7. This Act and the said Act of 1860 shall be read and construed together as One Act, and all Portions and Provisions of the said recited Act, save where expressly altered by this Act, shall apply to the Expenditure and Charges to be made under the Provisions thereof.

Landed Property Improvement (Ireland) Act Amendment.

A

B I L L

For the Amendment in certain Particulars of "The Landed Property Improvement (Ireland) Act, 1860;" and to encourage Agricultural Improvements in that Country.

(*Prepared and brought in by*
Mr. Longfield, Mr. Leader, and Sir Colman O'Loghlen.)

Ordered, by The House of Commons, *to be Printed,*
8 *February* 1864.

[Bill 2.]

Under 1 *oz.*

27 *April* 1864. 27 Vict.

A

BILL

TO

Amend the Act for the Valuation of Lands and Heritages in Scotland.

Preamble.
17 & 18 Vict. c. 91.

WHEREAS an Act was passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Ninety-one, for establishing One uniform Valuation of Lands and Heritages in Scotland, according to which all Public Assessments leviable on the Real Rent of such Lands and Heritages should be levied and collected, but in such Valuation the gross Rental only of such Lands and Heritages is set forth, and no Provision is in the said Act made for making any Deductions or Allowances in order to arrive at the rateable Value of such Lands and Heritages; and it is expedient, in order to render such Assessments equal, that the said Act should be amended as hereinafter mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Every Assessor to fix rateable Value of Lands, &c.

1. In order to arrive at the rateable Value of all Lands and Heritages contained in the Valuation Rolls made up in Terms of the said Act, every Assessor acting under the said Act shall ascertain and fix what is the average annual Cost of the Repairs, Insurance, and other Expenses necessary to maintain such Lands and Heritages in their actual State, and also what Rates, Taxes, and Public Charges are payable in respect of the same; and every Assessor shall insert in a separate Column of the Valuation Roll, made up by him according to the Form in the Schedule to this Act, the rateable Value of such Lands and Heritages, that is to say, what is the yearly Value of such Lands and Heritages after deducting therefrom the Amount of Repairs, Insurances, and other Expenses aforesaid, and the Rates, Taxes, and Public Charges payable in respect of such Lands and Heritages, and so ascertained and fixed by such Assessor as aforesaid, and such Deductions shall be considered the statutable Deductions; and such last-mentioned yearly Value shall be the rateable Value of such Lands and Heritages: Provided that nothing herein contained shall in any way affect the Value to be inserted in the Valuation Rolls in Terms of the said recited Act.

All Assessments to be based upon rateable Value.

2. Whenever in any County, Burgh, Town, or Parish any County, Municipal, Parochial, or other Public Assessment, or any Assessment, Rate, or Tax under any Act of Parliament other than the Acts relating to the Income Tax or Taxes under the Management of the Commissioners of Inland Revenue, shall be made or imposed upon or according to the yearly Rent or Value of any Lands or Heritages appearing in the Valuation Roll for the Time in force under the said recited Act, every such Rate or Assessment shall be imposed and levied upon and according to the rateable Value of such Lands and Heritages as appearing upon the Valuation Roll for the Time in force: Provided always, that, as regards all Assessments for the Relief of the Poor in Scotland, no Allowance or Deduction shall be made other than those herein-before provided.

Statutable Right of being assessed at less than full Value preserved.

3. Whenever any Lands and Heritages were previous to the passing of this Act entitled under the Provisions of any Statute to be assessed for the Purposes of such Statute at a less Amount than the full yearly Value of such Lands and Heritages, the said Lands and Heritages shall be entitled after the passing of this Act to be assessed for the Purposes of every such Statute according to the same Proportion as is fixed in such Statute of the rateable Value of such Lands and Heritages; and nothing herein contained shall exempt from or render liable to Assessment any Person or Property not previously exempt from or liable to Assessment.

Public Trustees may have Lands valued by Assessor of Railways and Canals.

4. It shall be competent for any Body of Public Commissioners or Trustees having continuous Lands and Heritages liable to be assessed in more than One Parish, County, or Burgh, to have such Lands and Heritages assessed by the Assessor of Railways and

Canals in the same Manner as is provided in the Twenty-third Section of the said Act for Water, Gas, and other Companies.

The Valuation of the Assessor of Railways and Canals conclusive as to what constitutes the Undertaking of the Company.

5. Whenever the Assessor of Railways and Canals shall have included in his Valuation any Lands or Heritages in Scotland belonging to, leased to, or forming Part of the Undertaking of the Railway, Canal, or other Company, or any Body of Commissioners or Trustees, valued by him, and such Valuation shall not have been in such respect altered on Appeal, the same shall be final and conclusive on all Persons, and it shall not be lawful for any Person or Persons or Body to assess any of such Lands or Heritages so included by the Assessor, belonging to, leased to, or forming Part of the Undertaking of such Railway, Canal, or other Company, or Body of Commissioners or Trustees, as Lands or Heritages apart from and not forming Part of the Undertaking of or leased to such Company; and the said Assessor shall be bound, when required by any Parish, County, or Burgh having an Interest in the Valuation, to furnish a Certificate of the Lands and Heritages in such Parish, County, or Burgh included in and forming Part of the Cumulo Valuation of any Railway or Canal or other Property assessed by him.

Deferring Time of Appeal against Valuation Roll.

6. All Appeals against any Entry in the Valuation Rolls made up in Terms of the said Act or this Act, either by the Assessors appointed by the Commissioners of Supply or Magistrates of a Burgh, or by the Assessor of Railways and Canals, shall be lodged not later than the *First Day of September* in each Year; and every such Appeal shall be tried and disposed of not later than the *Thirtieth Day of September* in each Year.

Schedule.

7. The Schedule to this Act annexed is hereby substituted for the Schedule to the said Act.

First Valuations under this Act.

8. The First Valuation Rolls made up under the said recited Act and this Act shall be for the Year ending *Whitsunday One thousand eight hundred and sixty-five.*

SCHEDULE referred to in the foregoing Act.

VALUATION ROLL.

County (*or* Burgh) of Parish of for the Year 186 –6 .

No.	Description of Subject.	Proprietor.	Occupier.	Tenant.			Rent payable under such Lease.	Feu Duty or Ground Annual, &c.	Feu Duties to whom payable.	Yearly Rent or Value.	Statutable Deductions.	Rateable Value.
				Not under Lease of 19 Years or upwards.	Under Lease of 19 Years and less than 57 Years.	Under Lease of 57 Years or upwards.						
1	*Farm of*	*A.B.*, of *C.*	*E.F.*, residing at	*G.H.*, residing at	- - -	- - -	*£80*	*£10*	*P.R.*, residing at	*£80*	*£8*	*£72*
2	*Manor House and Grounds of*	*A.B.*, of *C.*	*L.M.*, *Advocate*	- - -	*G.H.*, residing at	- - -	*£40*	- -	- - -	*£40*	*£5*	*£35*
3	*Farm of*	*C.D.*, of *H.*	*G.H.*, residing at	- - -	- - -	*F.G.*, residing at	*£100*	- -	- - -	*£120*	*£12*	*£108*

Lands and Heritages (Scotland) Act Amendment.

A

B I L L

To amend the Act for the Valuation of
Lands and Heritages in Scotland.

(Prepared and brought in by
Mr. Dunlop, Sir James Fergusson, and
Mr. Baxter.)

Ordered, by The House of Commons, *to be Printed,*
27 *April* 1864.

[Bill 81.]

Under 1 *oz.*

9 *February* 1864. 27 Vict.

A

BILL

TO

Enable the Right Honourable Sir John Laird Mair Lawrence to receive the full Benefit of the Salary of Governor General of India, notwithstanding his being in receipt of an Annuity granted to him by the East India Company.

WHEREAS the Court of Directors of the East India Company did, on the Eleventh Day of August One thousand eight hundred and fifty-eight, unanimously resolve that, as a special Mark of the high Sense entertained by the East India Company of the eminent Services of the Right Honourable Sir John Laird Mair Lawrence, Knight Grand Cross of the Most Honourable Order of the Bath, Knight of the Most Exalted Order of the Star of India, late Chief Commissioner of the Punjab, and now Her Majesty's Viceroy and Governor General of India, in crushing incipient Mutiny in the Punjab, and maintaining that Province in Tranquillity during a Year of almost universal Convulsion, in equipping Troops and preparing Munitions of War for distant Operations, thereby mainly contributing to the Re-capture of Delhi, and to the subsequent Successes which attended the British Arms, and also as a Testimony of the high Sense entertained by the East India Company of his high public Character and Conduct throughout a Preamble.

long and distinguished Career, an Annuity of Two thousand Pounds, commencing from the Date of his Retirement from the Civil Service of the East India Company, be granted to the said Right Honourable Sir John Laird Mair Lawrence for the Term of his natural Life, which Resolution has been sanctioned by the General Court of Proprietors of the said Company, and confirmed by the Board of Commissioners for the Affairs of India, in the Manner required by Law to give full Effect to such Resolution: And whereas by an Act passed in the Session held in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act for effecting "an Arrangement with the East India Company, and for the better "Government of His Majesty's Indian Territories, till the Thirtieth "Day of April One thousand eight hundred and fifty-four," it was, amongst other things, provided, that there should be paid to the Governor General of India, to each ordinary Member of the Council of India, to each Governor of the Presidencies of Fort Saint George, Bombay, and Agra, and to each Member of any Council in any Presidency, the several Salaries therein mentioned, and that the said Salaries should be the whole Profit or Advantage which the said Officers should enjoy during their Continuance in such Offices respectively; and it was thereby also provided, that if any Governor General, Governor, or ordinary Member of the Council of India, or any Member of the Council of any Presidency, should hold or enjoy any Pension, Salary, or any Place, Office, or Employment of Profit under the Crown, or any Public Office, or the said Company, or any Annuity payable out of the Civil or Military Fund of the said Company, the Salary of his Office of Governor General of India, Governor, or Member of Council should be reduced by the Amount of the Pension, Salary, Annuity, or Profits of Office so respectively held or enjoyed by him: And whereas it is deemed fit and proper, in consideration of the Services of the said Right Honourable Sir John Laird Mair Lawrence, to make such Provision as herein-after is contained: And whereas by an Act passed in the Session held in the Twenty-first and Twenty-second Years of the Reign of Her Majesty, Chapter One hundred and six, intituled "An Act for the better Government of India," it was, amongst other things, provided that the Expenditure of the Revenues of India, both in India and elsewhere, shall be subject to the Control of the Secretary of State in Council of India: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Notwithstanding Provisions of

1. That the herein-before recited Provisions of the said Act of the Session of the Third and the Fourth Years of the Reign of King William the Fourth shall not have any Application in the Case of the said Annuity of Two thousand Pounds per Annum granted to the said Right Honourable Sir John Laird Mair Lawrence as aforesaid; and accordingly it shall and may be lawful for the Secretary of State in Council of India to pay, and for the Right Honourable Sir John Laird Mair Lawrence to receive, the full Amount of the Salary of the Office of Governor General of India during the Time of the Continuance of the said Right Honourable Sir John Laird Mair Lawrence in such Office, without any Reduction or Diminution in respect of the said Annuity of Two thousand Pounds, anything in the said Act or in any other Act or Acts contained to the contrary notwithstanding.

3 & 4 W. 4. c. 85, Sir J. Lawrence, G.B.C., to receive full Amount of Salary as Governor General of India, although in receipt of Annuity granted by East India Company.

Sir John Lawrence's Salary.

A

BILL

To enable the Right Honourable Sir John Laird Mair Lawrence to receive the full Benefit of the Salary of Governor General of India, notwithstanding his being in receipt of an Annuity granted to him by the East India Company.

(*Prepared and brought in by*
Mr. Massey, Sir Charles Wood, and Mr. Baring.)

Ordered, by The House of Commons, *to be Printed,*
9 *February* 1864.

[Bill 10.]

Under 1 *oz.*

17 *March* 1864. 27 VICT.

A

B I L L

TO

Provide for the Investment and Appropriation of all Monies received by the Commissioners for the Reduction of the National Debt on account of deferred Life Annuities and Payments to be made on Death.

Preamble.

WHEREAS it is expedient to provide for the Investment and Appropriation of all Monies received by the Commissioners for the Reduction of the National Debt under any Acts in force in that respect on account of deferred Life Annuities and Payments on Death, and to secure due Payment thereof to the Parties respectively entitled thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Investment of Monies received by Commissioners for Reduction of National Debt on

1. All Monies received by the Commissioners for the Reduction of the National Debt on account of Contracts for deferred Life Annuities and for Payments on Death, entered into under the Authority of any Act or Acts of Parliament, shall be invested in such and the like Securities as the said Commissioners are authoaccount of deferred Annuities and Payments on Death.

rized by Law to purchase on account of Savings Banks, and such Securities shall be held by the said Commissioners applicable to meet the Claims on account of such deferred Annuities and Payments on Death; and the said Commissioners shall, in respect of all such Monies, have such and the like Powers as are now vested by Law in the said Commissioners in respect of Monies received by them from the Trustees of Savings Banks for Investment; and the Commissioners of Her Majesty's Treasury may, if they shall think it advantageous to the Public Service, convert any Capital Stocks of Annuities held by the said Commissioners for the Reduction of the National Debt on account of such Investments into an equivalent Amount of Annuities for a Term of Years; and whenever such Conversion shall take place the Capital Stocks of Annuities so converted shall be cancelled, and Copies of the Authorities under which such Conversion shall have been made shall be laid before both Houses of Parliament.

Annual Account of all Monies received and of Disposal thereof to be laid before Parliament.

2. An Account of all Monies received and of the Disposal thereof, and of all Contracts for the Grant of such deferred Life Annuities, and for Payments on Death, made between the First Day of January and the Thirty-first Day of December in every Year, shall be laid before both Houses of Parliament not later than the *Thirty-first Day of March* next following; and such Accounts shall show—

The Amounts of Receipts during the Year on Contracts;

The Number and Amount of Payments made on account of Contracts during the Year;

The Amount of Expenses during the Year;

The Number and Amount of new Contracts entered into;

The total Number and Amount of all current Contracts at the End of the Year;

The whole Amount of Capital, distinguishing the Manner in which invested, how much in Cash, how much in Securities, specifying their Nature;

The average Rate of Interest received upon each Class of Investments;

The Table of Mortality and the Rate of Interest used in calculating the Premiums.

Commissioners for Reduction of National Debt to transmit to Treasury every Five Years a

3. *The Commissioners for the Reduction of the National Debt shall prepare and shall transmit to the Commissioners of Her Majesty's Treasury, at the End of every Five Years, a Statement of the Result of a Valuation of the Engagements made and Liabilities incurred during the preceding Five Years, and of the Assets applicable to meet the same; and if it shall appear that the Amount* *of the Liabilities is greater than that of the said Assets, the Commissioners of Her Majesty's Treasury shall charge the Deficiency upon the Consolidated Fund; and if it shall appear that the Value of the Assets is more than sufficient to discharge the Liabilities, the said Commissioners of the Treasury shall direct that there be cancelled out of the Securities held by the Commissioners for the Reduction of the National Debt an Amount not exceeding Four Fifths of such Surplus.*

Statement of financial Result of Engagements and Liabilities.

Provision in case of Deficiency or Surplus.

4. *The Commissioners of Her Majesty's Treasury shall from Time to Time, upon being satisfied that the Assets are not sufficient to meet the Liabilities, and upon a Certificate to that Effect under the Hands of the Comptroller General or Assistant Comptroller acting under the Commissioners for the Reduction of the National Debt, direct such Sums to be issued out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof, as may be necessary to meet the said Liabilities: Provided always, that no such Sums shall be issued as, taken together, shall exceed the Amount charged upon the Consolidated Fund under the Authority of this Act.*

Treasury to issue out of Consolidated Fund Sums necessary to make good Deficiency.

Life Annuities and Life Assurances.

A

B I L L

To provide for the Investment and Appropriation of all Monies received by the Commissioners for the Reduction of the National Debt on account of deferred Life Annuities and Payments to be made on Death.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and Mr. Peel.)

Ordered, by The House of Commons, *to be Printed,*
17 *March* 1864.

[Bill 56.]

Under 1 *oz.*

A

BILL

FOR

The Amendment of the Law relating to the Mitigation of Penalties.

WHEREAS by various Public Acts of Parliament Penalties are imposed in respect of certain Offences, and it is provided that such Penalties are not to be reduced below the Limits in such Acts specified: And whereas the Provisions of the said Public Acts are contravened by special Enactments introduced into certain Local Acts, empowering the Justices or Court having Cognizance of Offences in certain Localities to mitigate all Penalties in respect of such Offences: And whereas it is expedient to prevent such Contravention as aforesaid of the general Law: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: **Preamble.**

1. Where any Public Act of Parliament provides that in respect of any Offence therein mentioned a Penalty is to be imposed of not less than a particular Sum of Money, or of not less than a certain Term of Imprisonment or other Punishment therein specified, it shall not be lawful for the Justices or Court having cognizance of such Offence to mitigate such Penalty below the Limit specified in that **Justices prohibited from mitigating Penalties under general Powers of Local Act.**

that Act of Parliament, in pursuance of any Power of mitigating Penalties conferred on such Justices or Court by any Local or Private Act of Parliament.

Short Title of Act.

2. This Act may be cited for all Purposes as "The Limited Penalties Act, 1864."

Limited Penalties.

A

B I L L

For the Amendment of the Law relating
to the Mitigation of Penalties.

(Prepared and brought in by
Mr. Solicitor General and Mr. Attorney
General).

Ordered, by The House of Commons, *to be Printed,*
5 *May* 1864.

[Bill 94.]

Under 1 *oz.*

A

B I L L

TO

Amend the Local Government Act of 1858 so far as it applies to Oxford.

21 & 22 Vict. c. 98.

WHEREAS by the Local Government Act, 1858, Section Eighty-two, it is provided that the Oxford Commissioners described in the Thirty-first Section of the Public Health Act, 1848, shall be the Body authorized to adopt the said Local Government Act for the District within their Jurisdiction: And whereas the said Commissioners have adopted the said Act: And whereas it is provided by the said Act that the Local Board of the Oxford District shall consist of the several Persons therein mentioned, and shall be elected in manner therein mentioned: And whereas the Election of the said Commissioners cannot take place, in pursuance of the said first-mentioned Act, until on and after the Twenty-fifth Day of March One thousand eight hundred and sixty-five: And whereas it is expedient that Provision should be made for Elections taking place in the course of the present Year: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Election of Commissioners may take place on any Day between 1st and 15th November 1864, as may be determined by Board of Commissioners.

1. Notwithstanding anything contained in the said Local Government Act, or any other Act of Parliament, the Election of the Commissioners to constitute the Local Board for Oxford, under the said Act of 1858, may take place at any Time that may be determined by the existing Board of Commissioners, between the *First Day of November* and the *Fifteenth Day of November One thousand eight hundred and sixty-four*, in the Manner now respectively provided for the Election of the said Commissioners, to be respectively elected by the said City and University of Oxford; and the said Commissioners when so elected shall continue in Office until the first monthly Meeting after the *Fifteenth Day of November One thousand eight hundred and sixty-five.*

Subsequent Elections to take place annually on Day so fixed.

2. Every subsequent annual Election of the Commissioners constituting the said Local Board shall take place between the *First and Fifteenth Days of November* in every Year, on the same Day in each Year, as shall be appointed under the Power hereinbefore given: Provided always, that if such Day fall upon a Sunday then the Election shall take place on the Monday next following; and the Day of going out of Office of every Board, and Entry upon Office of the new Board, shall be the Day of the first monthly Meeting after the said *Fifteenth Day of November.*

Qualifications of Members of Local Board.

3. Notwithstanding anything in the said Local Government Act contained, the Members of the Local Board to be elected by the said University, and Heads and Bursars of Colleges, and Heads of Halls respectively, shall not be required to possess any Qualification to act as Members of the said Board other than that they are of the Degree of Master of Arts, Bachelor of Civil Law, Bachelor in Medicine, or any superior Degree of the said University.

Local Government Act (1858) Amendment.

A

B I L L

To amend the Local Government Act of 1858, so far as it applies to Oxford.

(*Prepared and brought in by*
Mr. Neate and Sir William Heathcote.)

Ordered, by The House of Commons, *to be Printed,*
16 *June* 1864.

[Bill 155.]

Under 1 *oz.*

26 *April* 1864. 27 VICT.

A

BILL

TO

Confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Southampton, Brighton, Hexham, Oswaldtwistle, Bolton, Ashford, Portsmouth, Oswestry, Fareham, West Cowes, Wilton, and Lockwood.

Preamble.

WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has, under the Provisions of the Local Government Act, 1858, duly made certain Provisional Orders which are contained in the Schedules to this Act annexed, and it is provided by the aforesaid Local Government Act that no such Orders shall be of any Validity whatever until they shall have been confirmed by Parliament, and it is expedient that the said Orders should be so confirmed, and further Provision made in relation thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders in Schedule confirmed.

1. The Provisional Orders contained in the Schedule hereunto annexed shall, from and after the *passing of this Act*, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

Act incorporated with 21 & 22 Vict. c. 98.

2. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were one Act.

Short Title.

3. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatever, it shall be sufficient to use the Words and Figures "The Local Government Supplemental Act, 1864."

SCHEDULE of Provisional Orders referred to in the preceding Act.

1. SOUTHAMPTON.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase and taking of Lands otherwise than by Agreement.
2. BRIGHTON.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands for Street Improvements.
3. HEXHAM.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands for Street Improvements and other Purposes.
4. OSWALDTWISTLE.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Land.
5. BOLTON.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Land.
6. ASHFORD.—Repealing a Local Act in force within the District.
7. PORTSMOUTH.—Repealing and altering Parts of Local Acts in force within the District.
8. OSWESTRY.—Repealing a Local Act in force within the District.
9. FAREHAM.—Extending the Borrowing Powers of the Local Board of Health.
10. WEST COWES.—Extending the Borrowing Powers of the Local Board of Health.
11. WILTON.—Altering the Provisional Order applying the Public Health Act, 1848, to the District.
12. LOCKWOOD.—Altering the Boundaries of the District.

SOUTHAMPTON.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the Southampton Local Board of Health District, for the Purchase and taking of Lands by the said Board otherwise than by Agreement.*

Whereas the Local Board of Health in and for the District of Southampton have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the Seal of the said Local Board of Health, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land, buildings, and premises for the purpose of street improvements.

And whereas the said petition duly set forth in the Schedule annexed thereto the several pieces of land and the several buildings and premises intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid lands, buildings, and premises who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such Petition prayed that the said Board might, with reference to such land, buildings, and premises, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed inquiry, and report has been duly made to me thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board of Health for the said District of Southampton shall be empowered to put in force, with reference to the lands, buildings, and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand, this 9th day of March 1864.

(Signed) G. Grey.

The

The SCHEDULE referred to in the foregoing Order.

The Lands, Buildings, and Premises proposed to be taken for the Purposes set forth in the preceding Order, and situate in the District of Southampton, are the following.

Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
No. 128, High Street -	Abraham Galliene - Thomas Jennings Foord.	- - -	Edward Cocks.
No. 129, High Street -	Matthew Davis -	- - -	Thomas S. Strawbridge, Esq., and the National Provincial Bank of England.
No. 11, French Street	The Provost and Scholars of Queen's College, Oxford.	John Doddreall -	John Doddreall.
Tenement at the Rear	The Provost and Scholars of Queen's College, Oxford.	John Doddreall -	Edwin Edmunds. John Doddreall.
No. 10, French Street	The Provost and Scholars of Queen's College, Oxford.	Henry Hooper, William Jones.	—
Three Tenements, Sheds, Storehouses, Yards, and Court, fronting towards Marine Parade -	Thomas Bradby -	Messrs. Bowman and Withers, Executors of William Grace.	Robert Crouch.
	Thomas Bradby -	Messrs. Bowman and Withers, Executors of William Grace.	Michael Martin.
	Thomas Bradby -	Messrs. Bowman and Withers, Executors of William Grace.	Abraham Johnson.
	Thomas Bradby -	Messrs. Bowman and Withers, Executors of William Grace.	Messrs. Bowman and Withers, Executors of William Grace.
Tenements, Sheds, Storehouses, Court and Yard, fronting towards Longcroft Street and Marine Parade - -	Joseph Squibb - -	- - -	Joseph Squibb.

BRIGHTON.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the Brighton Local Board District, for the Purchase and taking of Lands by the said Board otherwise than by Agreement.*

Whereas the Local Board in and for the District of Brighton in the county of Sussex, under the Local Government Act, 1858, have, in pursuance of the provisions of the 75th section of the said Act, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land, buildings, and premises, for the purpose of enabling them to make improvements in certain streets, &c. within the said district, and for the purposes set forth in such petition under the Local Government Act, 1858, and shown upon the plans accompanying such petition.

And whereas the said petition duly set forth in the Schedule annexed thereto the several pieces of land and the several buildings and premises intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid lands, buildings, and premises who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such petition prayed that the said Board might, with reference to such land, buildings, and premises, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed the inspector appointed for the purpose to visit the said district, and the said inspector inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board for the said District of Brighton shall be empowered to put in force, with reference to the lands, buildings, and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand, this Second day of April 1864.

(Signed) G. Grey.

The

The SCHEDULE referred to in the foregoing Order.

The Lands, Buildings, and Premises proposed to be taken for the Purposes set forth in the preceding Order, and situate in the District of Brighton, are the following:

PLAN A.

No. on Plan A.	Description of Lands, Messuages, Buildings, and Premises.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	Queen's Road Improvement.			
1	House, Passage, Yard, and Sheds (Odd Fellows Arms).	Thomas Attree -	Francis Hallett -	William Jones.
2	Slaughter-houses, Sheds, and Yard.	Michael Hills and Richard Hills.	- -	Michael Hills and Richard Hills.
3	Office and Land -	Philip Hedgcock -	- -	Unoccupied.
4	Slaughter-house, Shed, and Yard.	Alfred Courtney Elliott.	- - -	Alfred Courtney Elliott.
5	Slaughter-house, Sheds, and Yard.	Robert Jenner -	- - -	William Duke Elliott.
6	House, Shop, and Yard.	Philip Hedgcock -	William Skeats -	William Skeats.
7	House, Shop, and Yard.	Philip Hedgcock -	John Alfred Brown -	John Alfred Brown, Charles Carpenter.
	North Street Improvement.			
8	White Lion Hotel Tap, Stables, &c.	James Vallance, Charles Vallance, Charles Catt, and Henry Catt.	Francis Incledon Vincent.	Francis Incledon Vincent.
9	Carriageway and Yard.	The Mayor, Aldermen, and Burgesses of Brighton. James Vallance, Charles Vallance, Charles Catt, and Henry Catt.	Francis Incledon Vincent.	Francis Incledon Vincent, James Pollard, and Richard Pollard.
10	Stables and Coach-house of White Lion Hotel.	James Vallance, Charles Vallance, Charles Catt, and Henry Catt.	Francis Incledon Vincent.	Francis Incledon Vincent.
11	House, Concert-room, and Privy.	William Green	Alfred John Ottaway	Thomas Charles.
12	House and Shop -	Edward Guillaume -	Henry Mullens -	Henry Mullens, Jacob Szapira.
13	House and Shop -	Alfred John Ottaway and James Albert Freeman.	- - -	Unoccupied.
14	Passage and Yard -	David Barnard, William Green, Alfred John Ottaway and James Albert Freeman.	David Barnard, Alfred John Ottaway.	David Barnard and Thomas Charles.
15	House, Shop, and Outhouse.	David Barnard -	- - -	David Barnard.
16	Warehouse, Yard, and Shed.	William Shelley -	David Barnard -	David Barnard.

No. on Plan A.	Description of Lands, Messuages, Buildings, and Premises.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
17	Cant Bow Windows of Unicorn Inn, fronting North Street.	Henry Smithers	William Coulstock	William Coulstock.
18	Portion of House and Shop.	Henry Chapman and Richard Noakes (Executors of Will of Smith, deceased,) and Elizabeth Smith.	John Scarborow	Charles Guildford, Otho Guildford.
19	Portion of House, Shop, and Warehonse.	Henry Chapman and Richard Noakes (Executors of Will of Smith, deceased,) and Elizabeth Smith.	John Scarborow	John Scarborow.

West Street Improvement.

No. on Plan A.	Description of Lands, Messuages, Buildings, and Premises.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
20	House, Shop, Yard, and Outhouses.	Thomas Crunden	- - -	Francis Francis.
21	House, Shed, and Yard.	Thomas Crunden	- - -	David Nisbett, Eliza Hyatt.
22	House, Shop, Garden, Pigstyes, Sheds, and Slaughter-houses.	John Hart	- - -	John Hart.
23	House, Shop, Yard, and Sheds.	John Hart	- - -	John William Staples.

Duke Street Improvement.

No. on Plan A.	Description of Lands, Messuages, Buildings, and Premises.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
24	House and Area (the Albany Tavern).	Thomas Wisden	George Gallard	Andrew Ledigo.
25	House, Shop, and Area.	Mary Hewitt	- - -	William Sicklemore.
26	House, Shop, and Yard.	John Mayntum	- - -	William Bourne.
27	House, Shop, and Yard.	John Mayntum	John Stoner	William Cross.
28	House, Shop, and Yard.	Lydia Bates	James Fiest	Anne Beaty.
29	House, Shop, and Yard.	Lydia Bates	James Fiest	Eardley Gates.
30	House and Yard	Lydia Bates	- - -	Eardley Gates.
31	Yard, Sheds, and Dancing-room.	John Hart	- - -	John Hart and Charles Webb.
32	Shop and Warehouse	John Hart	- - -	Edward Watkins.
33	House and Shop	Richard Patching	William Germain	William Germain.
34	Sheds, Workshop, Office, and Portion of Yard.	Richard Patching	- - -	Richard Patching.
35	House and Shop	Richard Patching	- - -	George Worsley, junior.
36	House, Shop, and Yard.	Henry King	- - -	Henry King.
37	House, Shop, and Yard.	William Russell and Thomas Smith (Devisees in Trust under Will of John Knapp, deceased).	- - -	George Mahon.

No. on Plan A.	Description of Lands, Messuages, Buildings, and Premises.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
37a	House, Yard, and Privy.	Richard Patching	- - -	Thomas Spicer.
37b	House, Yard, Passage, and Privy.	Richard Patching	- - -	William Stringer.
37c	House, Yard, and Passage.	Richard Patching	- - -	William Pentecost.
38	House, Shop, Yard, and Sheds.	William Russell and Thomas Smith (Devisees in Trust under Will of John Knapp, deceased).	Adolf Neiman	Adolf Neiman.
39	House and Yard	William Russell and Thomas Smith (Devisees in Trust under Will of John Knapp, deceased).	Thomas Phillips	William Allen.
40	Yard, Shed, and Warehouse.	William Russell and Thomas Smith (Devisees in Trust under Will of John Knapp, deceased).	Thomas Phillips	Thomas Phillips.
40a	Shed and Closet, and Portion of Yard.	William Russell and Thomas Smith (Devisees in Trust under Will of John Knapp, deceased).	Joseph Ellis	William Hunt.

PLAN B.

No. on Plan B.	Description of Lands, Messuages, Buildings, and Premises.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		North Lane Improvement.		
1	Portion of Forecourt	Jane Hall	- - -	Mary Maria Roberts.
2	Portion of Forecourt	William Russell	John Bonamy	John Bonamy.
3	Portion of Forecourt	William Russell	- - -	William Russell.
4	House, Yard, and Outhouses.	Henry Robinson	- - -	Eliza Cabrow.
5	Shed and Land	John May Beves	- - -	Sarah Wickens.
6	House and Shop	John May Beves	- - -	Rebecca Peters.
7	Portion of Barrack-yard and Sheds.	Charles Scrase Dickens	War Department	War Department.
8	Portion of Land	Harry Tuppen	- - -	Henry Lintott.
9	Slaughter-houses, Yards, Sheds, and Land.	Harry Tuppen	- - -	Henry Lintott.
10	Yard (leading to Workshops and Stables belonging to William Hatcher).	William Hatcher	- - -	William Read, Edward Arnold, and Edwin Luckens.
11	Coal Shed	William Hatcher	- - -	John Davis.
12	Back-yard and passage leading to same.	George Cager, Edwin Howell, William Fisk, and George Catt.	- - -	Jane Martin, Ellen Sergeant, Robert Clark, William Rice, Edward Port, and Sarah Ticehurst.

No. on Plan B.	Description of Lands, Messuages, Buildings, and Premises.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
13	House, Wash-house, and Privy.	George Cager	- - -	Jane Martin.
14	House, Wash-house, and Privy.	George Cager	- - -	Ellen Sergeant.
15	House, Wash-house, and Privy.	George Cager	- - -	Robert Clark.
16	House, Wash-house, and Privy.	Edwin Howell	- - -	William Rice.
17	House, Wash-house, and Privy.	William Fisk	- - -	Edward Port.
18	House, Wash-house, and Privy.	George Cager	- - -	Ellen Sergeant.
19	House, Yard, and Bakehouse.	George Catt	- - -	Sarah Ticehurst.
20	House, Wash-house, and Privy.	William Snelling	- - -	Henry Edward Gardner.
20 *a*	Yard	William Snelling, Thomas Knight.	- - -	Henry Edward Gardner, Mary Gates, Mary Ann Young.
20 *b*	House, Yard, and Privy.	George Hoare	- - -	George Hoare.
21	House, Wash-house, and Privy.	William Snelling	- - -	Mary Gates.
22	House, Wash-house, and Privy.	Thomas Knight	- - -	Mary Ann Young.
23	House, Yard, Wash-house, and Privy.	George Cheesman	- - -	Sarah Burchett.
24	House, Shop, Yard, and Outhouse.	William Fennell	- - -	George Harry Tuppen, Thomas Bleach.
25	House, Shop, Yard, and Privy.	William Wickenden	- - -	Nathaniel Gunn.
25 *a*	House, Yard, and privy.	William Wickenden	- - -	Henry Rawley.
25 *b*	House, Yard, and Privy.	Henry Parsons, junior	- - -	Alfred Jasper.
25 *c*	House, Yard, and Privy.	Henry Parsons, junior	- - -	Charles Sayers.
26	House, Shop, Yard, and Outhouse.	Henry Verrall and John Butcher.	- - -	Thomas George Dawes.
27	Passage (leading to Yard and Workshop belonging to Henry Verrall and John Butcher).	Henry Verrall and John Butcher.	- - -	Henry Verrall.
28	House, Shop, Yard, and Outhouses.	Henry Verrall and John Butcher.	- - -	John Sayers.
29	House, Shop, Passage, Yard, and Outhouses.	Ann Allfrey and James Allfrey.	- - -	Caroline Halls.
30	House, Shop, Area, Yard, and Outhouses.	Ann Allfrey and James Allfrey.	- - -	Edward Awcocks.
30*a*	House, Area, Yard, Wash-house, and Privy.	Ann Allfrey and James Allfrey.	- - -	William Miller.
30*b*	House, Area, Yard, Wash-house, and Privy.	William Barnard	- - -	William Weller.
31	The "Dorset Arms" Inn, Tap, Yard, and Outhouses.	Jane Smith, William Brimble Smith, and Isaac Smith.	Harriet Thorpe	Harriet Thorpe.

No. on Plan B.	Description of Lands, Messuages, Buildings, and Premises.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
31*a*	House, Area, Yard, and Outhouses.	William Barnard -	- - -	Edward Warren.
32	House, Shop, and Shed	Mary Law - -	William Kirkham, William Balcombe.	William Balcombe.
33	House, Shop, and Yard	Arthur Douglas Wagner.	Mary Morling, George Mason, —— Reynolds, Susan Reynolds, Frederick Wooldridge, Richard Aldred and Mrs. —— Aldred.	Frances South.
33*a*	House and Yard -	Arthur Douglas Wagner.	Mary Morling, George Mason, —— Reynolds, Susan Reynolds, Frederick Wooldridge, Richard Aldred and Mrs. —— Aldred.	Frances South and Adam Taylor.
33*b*	House and Yard -	Arthur Douglas Wagner.	Mary Morling, George Mason, —— Reynolds, Susan Reynolds, Frederick Wooldridge, and James Henry Mills.	Samuel Carter.
34	House and Shop -	Arthur Douglas Wagner.	Mary Morling, George Mason, —— Reynolds, Susan Reynolds, Frederick Wooldridge, and Richard Field.	Louisa Harris.
34*a*	House and Shop -	Arthur Douglas Wagner.	Mary Morling, George Mason, —— Reynolds, Susan Reynolds, Frederick Wooldridge, and John Ashdown.	Richard Newnham.
34*b*	House, Yards, Outhouses, and Washhouse.	Arthur Douglas Wagner.	Mary Morling, George Mason, —— Reynolds, Susan Reynolds, and Frederick Wooldridge.	Frederick Wooldridge.
34*c*	House and Forecourt	Arthur Douglas Wagner.	Mary Morling, George Mason, —— Reynolds, Susan Reynolds, and Frederick Wooldridge.	William Byshe.
35	House and Yard -	John Cozens - -	- - -	John Cozens.
35*a*	House - - -	Richard Sayers and Eliza Sayers.	- - -	Richard Sayers.
35*b*	House and Yard -	Jesse Knight and John Lempriere (Devisees in Trust under Will of William Lempriere, deceased,) and Elizabeth Lempriere.	- - -	John Scrase.
35*c*	House and Yard -	Jesse Knight and John Lempriere (Devisees in Trust under Will of William Lempriere, deceased,) and Elizabeth Lempriere.	- - -	Thomas Brayne.

No. on Plan B.	Description of Lands, Messuages, Buildings, and Premises.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
35d	House - -	Jesse Knight and John Lempriere (Devisees in Trust under Will of William Lempriere, deceased,) and Elizabeth Lempriere.	- - -	John Collier.
36	House and Yard -	Arthur Douglas Wagner.	Mary Morling, George Mason, and George William Sawyer.	John Todman.
36*a*	House and Yard -	Arthur Douglas Wagner.	Mary Morling, George Mason, and —— Field.	Joseph Brown.
36*b*	House, Yard, and Privy.	Arthur Douglas Wagner.	Hugh Bray - -	James Atherall.
36*c*	House, Yard, and Privy.	Arthur Douglas Wagner.	Hugh Bray - -	William Hards.
36*d*	House, Yard, and Privy.	Arthur Douglas Wagner.	Mary Morling, George Mason, and Thomas Holman.	John Manners.
37	House, Shop, and Wash-house.	James Ridge -	- - -	Robert Sayers.
37*a*	Yard and Passage -	James Ridge - -	- - -	Robert Sayers, John Bowell, Jonathan Salvage, James Yates, Caroline Hook, and Thomas Tugwell.
38	House - -	James Ridge - -	- - -	John Bowell.
38*a*	House and Privy -	James Ridge -	- - -	Jonathan Salvage.
38*b*	House and Privy -	James Ridge - -	- - -	James Yates.
38*c*	House and Privy -	James Ridge - -	- - -	Caroline Hook.
38*d*	House and Privy -	James Ridge - -	- - -	Thomas Tugwell.
39	Portion of House -	Fanny Weaklin -	- - -	Henry Streeter.
40	Portion of House -	Fanny Weaklin -	- - -	Thomas Bennett.
41	Portion of House -	James Ridge (Executor of Will of late Richard Coppard).	- - -	Isabella Beck.
42	Portion of House, and of Yard leading to Foundry at Back.	Charles Burrell and Mrs. Burrell.	- - -	James Patton.
43	Portion of House and Shop.	Charles Burrell and Mrs. Burrell.	- - -	Thomas Rooker.
44	Portion of House and Shop.	Henry Holloway -	- - -	Robert Palmer.
45	Portion of Warehouse (North Lane).	James Vallance, Charles Vallance, Charles Catt, and Henry Catt.	- - -	James Vallance, Charles Vallance, Charles Catt, and Henry Catt.
46	House, Yard, and Garden.	Richard Dill, M.D., George Homewood, William Walker, and John Sawyer (Trustees for the Presbyterian Chapel).	- - -	Rev. Peter Maclaren.
47	House and Workshop	George William Sawyer.	George Coleman -	Anthony Doyle, Ellis Smith, George Carwardine, and William Coppard.

No. on Plan B.	Description of Lands, Messuages, Buildings, and Premises.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
48	House, Yard, and Garden.	- - -	Henry Martin	Jesse Baker.
49	House, Yard, and Garden.	- - -	Henry Martin	Thomas Brown.
50	House, Yard, and Outhouses, "Three Jolly Butchers."	James Vallance, Charles Vallance, Charles Catt, and Henry Catt.	- - -	Thomas Wiggins.
51	Portion of Skittle-ground and Shed.	George Richardson	James Vallance, Charles Vallance, Charles Catt, and Henry Catt.	Thomas Wiggins.
52	Portion of Yard and Workshops.	George Richardson	Joseph Anscombe	Joseph Anscombe, Edwin Long, and William Richardson.
53	Portion of House and Forecourt.	Elizabeth Palmer and Co.	- - -	Joseph Hunter.
54	Office and Portion of Foundry and Yard.	Elizabeth Palmer and Co.	- - -	Elizabeth Palmer and Co.
55	House, Yard, and Outhouse.	Thomas Charlwood	Oliver Weston	Richard Marchant.
56	House, Yard, and Outhouse.	Thomas Charlwood	Oliver Weston	Robert Calvert.
56*a*	Yard, Stable, and Sheds.	Thomas Charlwood	Oliver Weston	William Pepper.
57	House, Yard, Outhouses, &c. "The Dolphin Inn."	William Grover Ashby and Silvanus Ashby.	- - -	Joseph Knight.
58	House, Yard, and Outhouse.	George Cheesman	- - -	Thomas Coster.
59	House, Yard, and Outhouses.	Isaac Bussey and Freeman Newington (Devisees in Trust under Will of William Good, deceased,) and Somers Clarke.	John Marner	Charles Burrell.
60	House and Shop	Spencer Weston	- - -	Spencer Weston and Oliver Weston.
61	House	Harry Tuppen	- - -	John Russell.
62	Portion of Slaughter-house and Yard.	Harry Tuppen	- - -	John Botting.
63	House and Shop	John Peters	- - -	Henry Ratty.
64	House, Yard, and Outhouses.	Jane Mary Good, George Reeds, and Lewis Slight, junior, (Executrix and Executors under Will of John Good, deceased).	William Sinden	William Sinden.
65	Coach-house	John Peters	- - -	Henry Ratty, Frederick Dine.
66	Smith's Shop	John Peters	- - -	Henry Ratty, John Nobbs.

HEXHAM.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the Hexham Local Board of Health District, for the Purchase and taking of Lands by the said Board, otherwise than by Agreement.*

Whereas the Local Board of Health in and for the District of Hexham, in the County of Northumberland, under the Local Government Act, 1858, have, in pursuance of the Provisions of the 75th Section of the said Act, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a petition to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land, buildings, and premises, for the purpose of constructing a Storage Reservoir and other works for supplying water to the said District, and also certain sewerage works therein.

And whereas the said Petition duly set forth in the Schedule annexed thereto the several pieces of land, &c. intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid lands, &c. who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such Petition prayed that the said Board might, with reference to such lands, &c., be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed Robert Rawlinson, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board of Health for the said District of Hexham shall be empowered to put in force, with reference to the lands, buildings, and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand, this Sixteenth day of April 1864.

(Signed) G. Grey.

The SCHEDULE referred to in the foregoing Order.

THE LANDS, BUILDINGS, and PREMISES proposed to be taken for the Purposes set forth in the preceding Order, and situate in the District of Hexham, are the following, the Figures in the Second Column referring to those on the Plan mentioned in the Petition of the aforesaid Local Board.

Lands proposed to be taken.	No. on Plan.	Owners.	Lessees and Occupiers.
Longlands - - - -	620 625 716	James Donaldson Bell -	Edward Bell.
Do. - - - -	626	Robert Bell Williams and Charles Williams.	William Beverley Ridley and John Ridley.
Battocks - - - -	628	Elizabeth Kirsopp - -	William Lyon.
Middle Shield - - - -	629	Jonathan Bell - -	George Oxley.
Hole and Intake - - - -	627 720 719 717 716	Matthew Smith - - -	Thomas Telford.
Lands near Tyne Mills - - -	230 231 232	Wentworth Blackett Beaumont	Thomas Dixon.

OSWALDTWISTLE.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the Oswaldtwistle Local Board District, for the Purchase and taking of Lands by the said Board otherwise than by Agreement.*

Whereas the Local Board in and for the District of Oswaldtwistle, in the County of Lancaster, under the Local Government Act, 1858, have, in pursuance of the Provisions of the 75th Section of the said Act, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land, buildings, and premises, for the purpose of constructing Reservoirs and other works for supplying water to the said District.

And whereas the said Petition duly set forth in the Schedule annexed thereto the several pieces of land, &c. intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid lands, &c. who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such Petition prayed that the said Board might, with reference to such lands, &c., be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed Robert Rawlinson, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct.

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board for the said District of Oswaldtwistle shall be empowered to put in force, with reference to the lands, buildings, and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand, this Second day of April 1864.

(Signed) G. Grey.

The Schedule referred to in the foregoing Order.

OSWALDTWISTLE WATERWORKS, COUNTY OF LANCASTER.

Schedule of Lands required for the Construction of proposed Reservoirs and other Works.

Nos.	Owners.	Occupiers.	Description of Lands, &c. proposed to be taken.	Quantities.		
				A.	R.	P.
1	John Hoyle	John Barnes	Plantation and Stream	0	3	12
1*a*	Executors of late James Simpson	Lawrence Walsh	Field, Meadow	0	0	12
2	George Haworth	James Holden	Field and Stream	1	2	16
3	Do.	Do.	Field and Building			
4	John Hoyle	John Barnes	Meadow	0	2	27
5	George Walmsley	George Rishton	Field	0	1	28
6	George Haworth	James Holden	Rough Pasture and part of Stream.	0	1	31
7	Do.	Do.	Rough Pasture, Stream, and Plantation.	0	0	24
8	Do.	Do.	Pasture and Plantation	1	3	14½
9	Do.	Do.	Meadow	0	1	34½
10	Do.	Do. (and others)	Occupation Road			
11	Executors of late James Simpson	John Jackson	Plantation			
12	Do.	Do.	Field			
13	Do.	Do.	Pasture, Occupation Road, and Stream.	0	2	22
14	John Hoyle	George Clegg	Pasture and Occupation Road.			
15	Executors of late James Simpson	Joseph Green	Part of Garden			
16	John Hoyle	Henry Briggs	Meadow	3	1	36
17	-	-	Occupation Road and part of Brook.	0	0	17
18	Executors of late James Simpson	John Whitworth	Cottages, Outbuildings, and Gardens.	0	0	23
19	Do.	John Jackson	Meadow and Stream	3	0	1
20	John Hoyle	James Derbyshire	Field	1	1	8
21	Do.	Do.	Field and part of Stream.	0	0	26
22	Do.	Do.	Field and part of Stream.	0	1	28
23	Executors of late James Simpson	John Jackson	Plantation and Stream	0	2	3
24	George Walmsley	George Rishton	Meadow and Stream			
25	Do.	Do.	Meadow and part of Stream.			
			Total	16	1	3

Compensation in Water to be at a rate not less than 75 gallons per minute for 12 hours of each working day in 310 days per year from each 100 acres of drainage area, and so in proportion for any increased gathering ground :—the present proposed gathering ground being about 250 statute acres.

BOLTON.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the Bolton Local Board of Health District, for the Purchase and taking of Lands by the said Board otherwise than by Agreement.*

Whereas the Local Board of Health in and for the District of the Borough of Bolton, in the County of Lancaster, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the Seal of the said Local Board of Health, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land, buildings, and premises for the purpose of street improvements.

And whereas the said petition duly set forth in the Schedule annexed thereto, and showed on the Plans accompanying the same, the several pieces of land and the several buildings and premises intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid lands, buildings, and premises, who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such Petition prayed that the said Board might, with reference to such land, buildings, and premises, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed inquiry, and report has been duly made to me thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board of Health for the said District of Bolton shall be empowered to put in force, with reference to the lands, buildings, and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand, this 19th day of April 1864.

(Signed) G. Grey.

The SCHEDULE referred to in the foregoing Order.

The Lands, Buildings, and Premises proposed to be taken for the Purposes set forth in the preceding Order, and situate in the District of Bolton, are the following.

FIRST PART.

Comprising the Lands required for the Improvement of Crompton Street and Charles Street.

Number on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Sheet No. 2.				
1	House -	Henry Chandler, Francis Richmond, and Jeremiah Marsden.	- - - -	Elizabeth Dickenson.
2	Stable -	Henry Chandler, Francis Richmond, and Jeremiah Marsden.	- - - -	Peter German.
3	House -	Henry Chandler, Francis Richmond, and Jeremiah Marsden.	- - - -	Mary Greenhalgh.
4	House -	Henry Chandler, Francis Richmond, and Jeremiah Marsden.	- - - -	Empty.

SECOND PART.

Comprising the Lands required for an intended new Street from Churchgate to Princess Street.

Number on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Sheet No. 3.	*In Churchgate.*			
1	Land and house, 205½ square yards, buildings included.	James Walkden Marsden	- - - -	Peter Swansbrick.
2	House (in Mullineaux Yard).	James Walkden Marsden	- - - -	Elizabeth Knight.
3	House -	James Walkden Marsden	- - - -	Empty.
4	House -	James Walkden Marsden	- - - -	Robert Pendlebury.
5	Land 13½ square yards.	James Walkden Marsden	- - - -	Empty.
6	House and middenstead in Mullineaux Yard.	James Walkden Marsden	- - - -	William Flitcroft.
7	Land 3¾ square yards.	James Walkden Marsden	- - - -	Empty.
8	House -	James Cooper -	- - - -	Edward Thompson.
9	House -	James Walkden Marsden	- - - -	Catherine McDonald.
10	House -	William Thornley -	- - - -	Ann Healey.
11	House and yard.	John Hiton - -	- - - -	John Lonsdale.
	In Princess Street.			
12	House and yard.	The Reverend Henry Powell.	- - - -	Joseph Crook.

THIRD PART.

Comprising the Lands required for the Improvement of Street called Old Acres.

Number on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Sheet No. 4.				
1	House, outbuildings, and yard.	Harriett Johnson and William Henry Johnson.	- - - -	Adam Platt.
2	House, outbuildings, and yard.	George Birchby -	- - - -	Charles Barrow.
3	House, outbuildings, and yard.	George Birchby -	- - - -	Peter Lomax.
4	House -	Betty Ryley - - -	- - - -	John Owen.
5	House -	George Birchby -	- - - -	Edward Hoyles.
6	House, outbuildings, and yard.	George Birchby -	- - - -	Alice Holden.
7	House, outbuildings, and yard.	John Hesketh, James Hesketh, and Thomas Thistlethwaite.	- - - -	James Hampson.
8	House -	John Hesketh, James Hesketh, and Thomas Thistlethwaite.	- - - -	John Heath.
9	House -	John Hesketh, James Hesketh, and Thomas Thistlethwaite.	- - - -	Richard Cubbin.
10	House -	Ann Pitfield - -	- - - -	George Harlwood.
11	House -	Ann Pitfield - -	- - - -	Henry Green.
12	House -	Robert Pitfield -	- - - -	Nancy Foster.
13	House -	Robert Pitfield -	- - - -	Priscilla Barrows.
14	House, outbuildings, and yard.	Robert Pitfield -	- - - -	Sarah McCormick.
15	House -	Robert Pitfield -	- - - -	Elizabeth Tatlock.
16	House -	James Haigh, Peter Martin, and William Lee.	- - - -	Elizabeth Williams.
17	House (cellar)	James Haigh, Peter Martin, and William Lee.	- - - -	Catherine Ashcroft.
18	House -	James Haigh, Peter Martin, and William Lee.	- - - -	James Schofield.
19	House (cellar)	James Haigh, Peter Martin, and William Lee.	- - - -	Luke Bray, senior.
20	House -	James Haigh, Peter Martin, and William Lee.	- - - -	Luke Bray, senior.
21	House -	James Haigh, Peter Martin, and William Lee.	- - - -	John Bray.
22	House -	John Bromley - -	- - - -	Mary Cooper.
23	House -	John Bromley - -	- - - -	Harriett Bibby.
24	House -	Robert Rowbottom, Ellen Rowbottom, Henry Lomax Gaskell, Joseph Ingram, Lever Robert Rowbottom, Marie Zelic Rowbottom, Andrew Strachan, Mary Ann Strachan.	- - - -	Isabella Hargreaves.

Number on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		Third Part—*continued.*		
Sheet No. 4.				
25	House -	Robert Rowbottom, Ellen Rowbottom, Henry Lomax Gaskell, Joseph Ingram, Lever Robert Rowbottom, Marie Zelie Rowbottom, Andrew Strachan, Mary Ann Strachan.	- - - -	Giles Matthews.
26	House -	Robert Rowbottom, Ellen Rowbottom, Henry Lomax Gaskell, Joseph Ingram, Lever Robert Rowbottom, Marie Zelie Rowbottom, Andrew Strachan, Mary Ann Strachan.	- - - -	Christiana Greenhalgh.
27	House -	Robert Rowbottom, Ellen Rowbottom, Henry Lomax Gaskell, Joseph Ingram, Lever Robert Rowbottom, Marie Zelie Rowbottom, Andrew Strachan, Mary Ann Strachan.	- - - -	Peter Kevil.
28	House -	Robert Rowbottom, Ellen Rowbottom, Henry Lomax Gaskell, Joseph Ingram, Lever Robert Rowbottom, Marie Zelie Rowbottom, Andrew Strachan, Mary Ann Strachan.	- - - -	John Taylor.
29	House -	Maria Hibbert - -	- - -	John Hardman.
30	House -	Maria Hibbert - -	- - - -	John Tory.
31	House -	Maria Hibbert - -	- - - -	Joseph Sharp.
32	House -	William Rothwell Jackson.	- - - -	James Haddock.
33	House -	Maria Hibbert - -	- - -	Ann Greenhalgh.
34	House -	Arthur Bromiley -	- - - -	William Ingham.
35	House -	Arthur Bromiley -	- - - -	William Nelson.

FOURTH PART.

Comprising the Lands required for the Improvement of Street called Princess Street.

Sheet No. 5.	*In Princess Street.*			
1	Stable and yard	The Earl of Bradford -	- - - -	James Hamer.
2	Workshop -	The Earl of Bradford -	- - - -	Isaac Charles Knott.
3	House -	The Earl of Bradford -	- - - -	Jane Horan.
	In Bradshawgate.			
4	House and shop	The Earl of Bradford -	- - - -	James Hamer.

Number on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.

FIFTH PART.

Comprising the Lands required for the Improvement of Rothwell Street.

Sheet No. 6.				
1	House -	The Mayor, Aldermen, and Burgesses of the Borough of Bolton.	Samuel Scholes -	Peter Skelton.

SIXTH PART.

Comprising the Lands required for the Improvement of Grime Street, and formation of a new Street in continuation of Grime Street, through Pool Street, into St. George's Road.

Sheet No. 7.	*In Deansgate.*			
1	House and shop	Harmenia Cross and Thomas Cross.	- - -	Henry Birtwisle.
	In Grime Street.			
2	Warehouse -	Harmenia Cross and Thomas Cross.	- - - -	Edward Brown.
3	House -	Samuel Grime, Mary Coop, Elizabeth Grime, Sarah Green, Martha Grime.	- - -	John Airley.
4	House (cellar)	Samuel Grime, Mary Coop, Elizabeth Grime, Sarah Green, Martha Grime.	- - - -	John Fallow.
5	House -	Samuel Grime, Mary Coop, Elizabeth Grime, Sarah Green, Martha Grime.	- - -	Mary Smith.
6	House (cellar)	Samuel Grime, Mary Coop, Elizabeth Grime, Sarah Green, Martha Grime.	- - -	John Hesketh.
7	House -	Samuel Grime, Mary Coop, Elizabeth Grime, Sarah Green, Martha Grime.	- - - -	William Mason.
8	House (cellar)	Samuel Grime, Mary Coop, Elizabeth Grime, Sarah Green, Martha Grime.	- - - -	Christopher Smith.
9	Warehouse -	Samuel Grime, Mary Coop, Elizabeth Grime, Sarah Green, Martha Grime.	- - - -	Empty.
10	House -	Samuel Grime, Mary Coop, Elizabeth Grime, Sarah Green, Martha Grime.	- - - -	Edward Fallow.
11	House (cellar)	Samuel Grime, Mary Coop, Elizabeth Grime, Sarah Green, Martha Grime.	- - - -	John Ready.
12	House -	Samuel Grime, Mary Coop, Elizabeth Grime, Sarah Green, Martha Grime.	- - - -	John Ready.

Sixth Part—*continued.*

Number on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Sheet No. 7.				
13	House -	Samuel Grime, Mary Coop, Elizabeth Grime, Sarah Green, Martha Grime.	- - - -	Thomas Fleming.
14	House -	Samuel Grime, Mary Coop, Elizabeth Grime, Sarah Green, Martha Grime.	- - - -	Empty.
15	House -	Samuel Grime, Mary Coop, Elizabeth Grime, Sarah Green, Martha Grime.	- - - -	Empty.
	In Blundell Street.			
16	Foundry buildings and premises.	Harmenia Cross and Thomas Cross.	- - - -	Simon Hilton. John Simpson.
17	Cotton Mill, buildings, chimney, and premises.	William Hardman and Dan Wood Latham.	- - - -	John Wardle. James Wardle.
	In Little Bolton.			
17*a*	River Croal -	Thomas Hibbert, The Reverend Vernon Tipping, Edmund Joseph Tipping.		
18	Land 16½ square yards.	Thomas Hibbert, The Reverend Vernon Tipping, Edmund Joseph Tipping.	Robert Walker -	Unoccupied.
19	Land 200¼ square yards.	Thomas Hibbert, The Reverend Vernon Tipping, Edmund Joseph Tipping.	Robert Walker -	Unoccupied.
20	Water goit, land, and buildings, 218 square yards, buildings included.	Thomas Hibbert, The Reverend Vernon Tipping, Edmund Joseph Tipping.	Robert Walker -	Robert Walker.

SEVENTH PART.

Comprising the Lands required for the Improvement of Reservoir Street and Hobson Street.

Sheet No. 8.	*In Reservoir Street.*			
1	House -	The Mayor, Aldermen, and Burgesses of Bolton.	Thomas Holden, Thomas Andrews, Ellen Lowe, James Fletcher.	Ann Harrison.
	In Back Reservoir Street.			
2	House -	The Mayor, Aldermen, and Burgesses of Bolton.	Thomas Holden, Thomas Andrews, Ellen Lowe, James Fletcher.	Mary Sharples.

Seventh Part—*continued.*

Number on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Sheet No. 8.				
3	House and yard.	The Mayor, Aldermen, and Burgesses of Bolton.	Thomas Holden, Thomas Andrews, Ellen Lowe, James Fletcher.	James Holland.
4	Stable and yard.	The Mayor, Aldermen, and Burgesses of Bolton.	Thomas Holden, Thomas Andrews, Ellen Lowe, James Fletcher.	James Fletcher.

Eighth Part.

Comprising the Lands required for the intended new Street between Duke Street and Pen Street.

Number on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Sheet No. 9 & 10.				
1	Land 36 square yards.	Francis McCormick -	- - - -	Vacant.
2	Land and buildings, 266½ square yards, buildings included.	Esther Ashworth, Benjamin Ashworth.	- - - -	Empty.
3	House -	Francis McCormick -	- - - -	Thomas Melia.
4	House -	Francis McCormick -	- - - -	Bartholomew Burke.
5	House -	Francis McCormick -	- - - -	Catherine Quin.
6	House -	Francis McCormick -	- - - -	Patrick Stables.
7	House -	Francis McCormick -	- - - -	Robert Nowlan.
8	Land, 133 square yards.	Francis McCormick -	- - - -	Vacant.
9	Land, 4 square yards.	John Hall and James Fogg.	- - - -	Vacant.

Comprising the Lands required for the intended new Street between School Hill and Haydock Street.

Number on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
11	House -	Francis McCormick -	- - - -	Patrick Brannan.
12	House -	Francis McCormick -	- - - -	Michael Carrigan.
13	House -	Francis McCormick -	- - - -	Patrick McEvins.
14	Stable -	Thomas Rudge -	- - - -	Thomas Rudge.
15	House -	Mary Pilkington, John Harwood, Peter Martin.	- - - -	William Hart.
16	Stables, offices, land, and soap works.	Esther Ashworth, Benjamin Ashworth.	- - - -	Igdaliah Seddon.
17	Piggeries, land, and out-buildings, 175 square yards, buildings included.	Esther Ashworth, Benjamin Ashworth, Thomas Rudge.	- - - -	Thomas Rudge.

Ninth Part.

Comprising the Lands required for the Improvement of Prince Street.

Number on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Sheet No. 9 & 10.				
1	Stable -	John Crompton -	- - - -	John Crompton.
2	House and shop.	Richard Badder -	George Barker -	George Barker.

Number on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		TENTH PART.		
		Comprising the Lands required for the Improvement of Chorley Street.		
Sheet No. 11.				
1	House and garden.	John Green - -	- - - -	William Torkington.
2	House -	John Green - -	- - - -	Joseph Horrocks.
3	House -	John Green - -	- - - -	James Hardman Horrobin.
4	House -	John Green - -	- - - -	George Bennett.
5	Workshop -	James Ormrod, Sarah Spencer.	- - - -	James Ormrod, Sarah Spencer.
6	Garden -	James Ormrod, Sarah Spencer.	- - - -	James Ormrod, Sarah Spencer.

ASHFORD.

Provisional Order repealing a Local Act in force within the District of the Ashford Local Board.

Whereas the Local Board for the District of Ashford, in the County of Kent, in which District the Local Government Act, 1858, has been duly adopted, and the Commissioners for lighting, watching, and otherwise improving the Town of Ashford, in the County of Kent, have, in pursuance of the said Act, presented Petitions to the Right Honourable Sir George Grey, as one of Her Majesty's Principal Secretaries of State, praying for the repeal of a certain Local Act of Parliament in force within the said District of Ashford aforesaid, the said Act having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the Fifth year of the reign of King George the Fourth, intituled "An Act for lighting, watching, and otherwise improving the Town of Ashford, in the County of Kent."

And whereas, in pursuance of the said Local Government Act, inquiry has been made in the said District in respect of the several matters mentioned in the said Petitions.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without the confirmation of Parliament.

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The said Local Act shall be repealed so far as such Act affects the District of the aforesaid Local Board of Ashford.

Given under my hand, this Second day of April in the year One thousand eight hundred and sixty-four.

(Signed) G. GREY.

PORTSMOUTH.

PORTSMOUTH.

Provisional Order repealing and altering Parts of Local Acts in force within the District of the Portsmouth Local Board.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Portsmouth, in the County of Southampton, by the Council of the Borough of Portsmouth, acting as the Local Board, in and for the said Borough, being a District within which the Local Government Act, 1858, has been duly adopted, have, in pursuance of the Local Government Act, 1858, presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of certain Local Acts of Parliament in force within the said District, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the tenth and eleventh year of the reign of Queen Victoria (Cap. 257.), intituled "An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town of Portsmouth, in the County of Southampton, and for removing and preventing nuisances and annoyances therein;" and

A certain other Act, passed in the sixth year of the reign of Queen Victoria (Cap. 35.), intituled "An Act for paving, lighting, cleansing, watering, "regulating, and otherwise improving the Town of Portsea, in the "County of Southampton, and for removing and preventing nuisances "and annoyances therein;" and

A certain other Act, passed in the twentieth and twenty-first year of the reign of Queen Victoria (Cap. 37.), intituled "An Act for the improve"ment of Landport and Southsea and the neighbourhoods, in the "Parishes of Portsmouth and Portsea, in the County of Southampton."

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, DO, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The said herein-before recited Local Acts, except the parts thereof specified in the Schedule hereunto annexed, shall be repealed.

2.—All the property and estate of the Commissioners acting in execution of the said Local Acts shall be transferred to and become vested in the said Local Board.

3.—All debts and liabilities under the said Local Acts shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith if this Order had not been made; and if such property and estate shall be insufficient for that purpose, then their debts and liabilities may be satisfied as debts and liabilities under the Local Government Act, 1858; and it shall be lawful for the said Local Board, with such sanction as is required by the said Act for the borrowing of other sums by the said Local Board, to borrow such sums as shall be required to discharge the said debts and liabilities.

4.—All expenses under the unrepealed portions of the said Acts shall be borne by the rates leviable in the said District under the said Local Government Act, as if the purposes for which such expenses were incurred were purposes of the said Local Government Act.

5.—The provisions of the said herein-before recited Local Acts not hereby repealed, and of the Acts incorporated in whole or in part with the said herein-before recited Local Acts or any of them, shall extend to the whole of the said District, and shall be incorporated with the said Local Government Act, and the said Local Board shall be the Commissioners for executing the said Acts.

Given under my Hand this Sixteenth day of April 1864.

(Signed) G. Grey.

Schedule to which this Order refers.

The sections to be retained in the herein-before recited Local Acts are,—

1.—In the said firstly herein-before recited Local Act (10 & 11 Vict. c. 257.), the sections numbered respectively 30, 32, 34, in so far as relates to the rating of the Borough gaol; 52, 53 to 57, both inclusive.

2.—In the said secondly herein-before recited Local Act (6 Vict. c. 35.), the sections numbered respectively 101, 103, 112, 135, 136, 137. So much of sections 189 to 202 (both inclusive) as enables the Commissioners to grant licences to carters, porters, barrowmen, draymen, or persons otherwise employed in carrying or conveying goods, wares, or merchandise, and to license sedan-chairs, and so much as relates to such licences when granted.

3.—In the said thirdly herein-before recited Act (20 & 21 Vict. c. 37.), the 16th section, in so far as it incorporates the following sections of the Towns Improvement Clauses Act, 1847; viz., sections 53, 98, 147 to 151 (both inclusive), 196, 197; and the section numbered 20, in so far as relates to the interpretation of the 53rd section of the Towns Improvement Clauses Act, 1847; 32, 34, 49, 50. So much of section 61 as relates to the incorporation of the Waterworks Clauses Act, 1847. So much of section 84 as relates to abusive language; 85, 86, and 97, except as to the first proviso of the last herein-before recited section.

OSWESTRY

OSWESTRY.

Provisional Order repealing a Local Act in force within the District of the Oswestry Local Board.

Whereas the Local Board for the District of the Borough of Oswestry, in the County of Salop, in which District the Local Government Act, 1858, has been duly adopted, have, in pursuance of the said Act, presented a petition to the Right Honourable Sir George Grey, as one of Her Majesty's Principal Secretaries of State, praying for the repeal of a certain Local Act of Parliament in force within the District aforesaid, affecting the said District, the said Act having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

> An Act passed in the forty-ninth year of the reign of King George the Third, intituled "An Act for paving, cleansing, lighting, watching, "and otherwise improving the Streets and other public Passages "and Places in the Town and Borough of Oswestry, in the County "of Salop."

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without the confirmation of Parliament.

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order,—

1.—The said Local Act (49 Geo. 3. cap. 140.) shall be repealed.

Given under my hand, this Fourteenth day of April 1864.

(Signed) G. Grey

FAREHAM.

Provisional Order for extending the Borrowing Powers of the Fareham Local Board of Health.

Whereas the Local Board of Health for the District of Fareham, in the County of Southampton, as constituted under the Public Health Act, 1848, have duly borrowed, under the provisions of the Public Health Act, 1848, and of the Local Government Act, 1858, a sum of Fifteen thousand six hundred Pounds to defray the expense of works for the Sewerage and Supply of Water to the said District, and of other works of a permanent nature under the aforesaid Acts; and whereas a further sum will be required to carry out and complete such works, but such further sum, with the hereinbefore mentioned Fifteen thousand six hundred Pounds, will exceed the assessable value for one year of the premises assessable under the said Acts within such District of Fareham, constituted as aforesaid.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, and of the 19th Section of the Local Government Act (1858) Amendment Act, 1861, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for further works of a permanent nature, and on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the several aforesaid Acts, a sum or sums not exceeding in the whole Two thousand Pounds, which, with the amount already borrowed, shall not exceed in the whole two years' assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed.

And whereas after due inquiry and report by Robert Morgan, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

1.—The Local Board of Health for the District of Fareham, in the County of Southampton, shall have power and authority to borrow or reborrow, for the execution and completion of works of a permanent nature within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, a further sum not exceeding Two thousand Pounds, which, together with the sums already sanctioned to be borrowed by the Local Board aforesaid, will not exceed in the whole two years' assessable value of the premises assessable under such Acts within the aforesaid District: the aforesaid sum to be further borrowed under the authority of this present Order, and of the Act confirming the same, to be repaid with interest thereon, within a period of Thirty Years from the date of the borrowing thereof.

Given under my Hand this Fourteenth day of April 1864.

(Signed.) G. Grey.

WEST COWES.

Provisional Order for extending the Borrowing Powers of the West Cowes Local Board of Health.

Whereas the Local Board of Health for the District of West Cowes, in the Isle of Wight, have, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow or re-borrow for works to increase and improve the supply of water to the District—such works being of a permanent nature, and on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the aforesaid Acts—a sum or sums which, with the amount already borrowed by such Local Board of Health, will not exceed in the whole one and a half year's assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed.

And whereas after due inquiry and report by the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted; but the same cannot be done without the consent of Parliament.

Now therefore in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

1.—The Local Board of Health for the District of West Cowes, in the Isle of Wight, shall have power and authority to borrow or reborrow for the execution and completion of works of a permanent nature within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, a sum or sums for increasing and improving the supply of water to the said District, which, together with the sums already sanctioned to be borrowed by the Local Board of Health aforesaid, will not exceed in the whole one and a half year's assessable value of the premises assessable under the Local Government Act, 1858, within the aforesaid District: the aforesaid sums to be repaid, with interest thereon, within a period of Fifty Years from the date of the borrowing thereof.

Given under my Hand this Second day of April 1864.

(Signed) G. GREY.

WILTON.

Provisional Order for altering the Provisional Order applying the Public Health Act, 1848, *to the District of Wilton in the County of Wilts.*

Whereas by an Order of Her most Gracious Majesty in Council, bearing date the 28th day of February 1855, made under the provisions of the Public Health Act, 1848, the said Public Health Act was duly applied to the parish of Wilton in the county of Wilts.

And whereas, by such Order as aforesaid, the number of members of the Local Board of Health to be elected under the aforesaid Public Health Act was fixed at fifteen, the entire number to be elected for the whole of such district.

And whereas the Local Board of Health for the said district of Wilton have, in pursuance of the Local Government Act, 1858, (Sect. 77,) presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration of the aforesaid Order in so far as such Order relates to the number of members to constitute the Local Board of Health for such district.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said district in respect of the matters mentioned in the said petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order,—

1.—The number of members to constitute the Local Board of Health for the district of Wilton shall be nine, anything in the herein-before recited Order, bearing date the 28th day of February 1855, to the contrary notwithstanding.

2.—One third in number of the nine members to so constitute the Wilton Local Board of Health shall annually go out of office on the usual day for the retirement of members of such Local Board; such one third to retire to be arranged by the Local Board of Health aforesaid.

Given under my hand this 9th day of March 1864.

(Signed) G. GREY.

LOCKWOOD.

Provisional Order for altering the Boundaries of the District of Lockwood, in the Parish of Almondbury, in the West Riding of the County of York, under the Local Government Act, 1858.

Whereas the Local Government Act, 1858, has been duly adopted within the Township of Lockwood, in the Parish of Almondbury, in the West Riding of the County of York; and whereas a Petition has been duly presented to me as one of Her Majesty's Principal Secretaries of State, under the provisions of the 77th section of the Local Government Act, 1858, from the Local Board for the Township of Lockwood aforesaid, praying that the District of the said Local Board might be extended by including therein certain pieces or parcels of land in the adjoining Township of South Crosland, known respectively by the names of Battye's Farm and Beaumont's Croft, as described in the said Petition from such Local Board.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed and duly held in respect of the several matters mentioned in the said Petition, and report has been made to me thereon by Robert Morgan, Esquire, the Inspector appointed for the purpose.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct,—

That from and after the passing of any Act of Parliament confirming this Order—

1.—The District of Lockwood, in the Parish of Almondbury, in the West Riding of the County of York, shall be extended by including within its boundaries the pieces or parcels of lands herein-before referred to, and known respectively by the names of Battye's Farm and Beaumont's Croft.

2.—The Local Board for the time being for the District of Lockwood shall be the Local Board for the District as altered by this Order and the Act of Parliament confirming the same.

Given under my Hand this Fourteenth day of April 1864.

(Signed) G. GREY.

Local Government Supplemental.

A

BILL

To confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Southampton, Brighton, Hexham, Oswaldtwistle, Bolton, Ashford, Portsmouth, Oswestry, Fareham, West Cowes, Wilton, and Lockwood.

(Prepared and brought in by
Mr. Baring and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
26 *April* 1864.

[Bill 80.]

Under 4 *oz.*

A

BILL

TO

Confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Kingston-upon-Hull, Stockport, Penzance, Shanklin, Stroud, Portsmouth, Tunbridge Wells, Woolwich, and Tormoham.

WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has, under the Provisions of the Local Government Act, 1858, duly made certain Provisional Orders which are contained in the Schedule to this Act annexed, and it is provided by the aforesaid Local Government Act that no such Orders shall be of any Validity whatever until they shall have been confirmed by Parliament, and it is expedient that the said Orders should be so confirmed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The Provisional Orders contained in the Schedule hereunto annexed shall from and after the *passing of this Act* be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act. Provisional Orders in Schedule confirmed.

Limitation of Rates in Portsmouth.

2. The General District Rate leviable within the Borough of Portsmouth, as constituted by the Provisional Order to this Act annexed, under the Local Government Act, 1858, shall not exceed in any One Year the Sum of *Two Shillings and Sixpence* in the Pound Sterling upon the net annual Value of Property assessable thereto within such Borough.

Definition of "Rates" (Tunbridge Wells).

3. In all the unrepealed Sections of the Tunbridge Wells Improvement Act, 1846, where there is Reference to Rates made or leviable under or by virtue of the said Act, the same in future shall in every Case be held to mean the General District Rate leviable under the Local Government Act, 1858.

Next Election of Local Board (Tunbridge Wells).

4. The next annual Election of Persons to fill Vacancies in the Tunbridge Wells Local Board of Commissioners, by the Retirement in Rotation of the Members thereof, shall be postponed from the Month of September One thousand eight hundred and sixty-four to the Month of *April One thousand eight hundred and sixty-five;* and thenceforward such annual Elections shall take place in the Month of April, according to the Scale of voting in respect of the Election of Local Boards and Local Boards of Health, as provided by the Public Health Act, 1848, and the Local Government Act, 1858.

Qualification, &c. of Members of Tunbridge Wells Local Board of Commissioners.

5. The Qualification of the aforesaid Tunbridge Wells Commissioners shall be the Ownership or Occupation of Property actually rated to the Rates levied under the Local Government Act, 1858, within their District, at an annual Value of not less than *Thirty Pounds;* and in lieu of the Declaration prescribed by Section Seventeen of the Tunbridge Wells Improvement Act, 1846, to be made by the said Commissioners, the following Declaration shall be used; that is to say,

"I [*A.B.*] do solemnly declare, That I am the [Owner *or* Occupier, *as the Case may be*] of Property actually rated to the Rates authorized to be levied by the said Commissioners at an annual Value of not less than *Thirty Pounds*."

Act incorporated with 21 & 22 Vict. c. 98.

6. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were One Act.

Short Title.

7. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatever, it shall be sufficient to use the Words and Figures "The Local Government Supplemental Act, 1864 (No. 2.)."

SCHE-

SCHEDULE of Provisional Orders referred to in the preceding Act.

1. Kingston-upon-Hull.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase and taking of Lands otherwise than by Agreement, for Street Improvements.
2. Stockport.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands for Street Improvements, &c.
3. Penzance.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands for Street Improvements.
4. Shanklin.—Repealing a Local Act in force within the District.
5. Stockport.—Repealing and altering Parts of Local Acts in force within the District.
6. Stroud.—Extending the Borrowing Powers of the Local Board of Health.
7. Portsmouth.—Repealing and altering Parts of Local Acts in force within the District.
8. Tunbridge Wells.—Repealing and altering Local Acts in force within the District.
9. Tunbridge Wells.—Altering the Boundaries of the District.
10. Woolwich.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase and taking of Lands otherwise than by Agreement.
11. Tormoham.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands otherwise than by Agreement.

KINGSTON-UPON-HULL.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the Borough of Kingston-upon-Hull, for the Purchase of Lands by the Local Board of Health of the aforesaid Borough for Street Improvements.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Kingston-upon-Hull, in their capacity of Local Board of Health for the District of the said Borough, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, duly presented a petition to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land and certain buildings for certain street improvements in the said District, as set forth and described in such Petition.

And whereas the said Petition duly set forth the several pieces of land and the several buildings intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, or are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board for the said District of Kingston-upon-Hull shall be empowered to put in force, with reference to the land and premises referred to and described in the Schedule to this Order annexed, and in the Petition herein-before referred to, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand this Thirtieth day of May in the year One thousand eight hundred and sixty-four.

(Signed) G. Grey.

Schedule

SCHEDULE referred to in the preceding Order.

The PIECES of LAND and the PREMISES proposed to be taken, as described in the foregoing Order, are the following:—

Property to be taken.	No. on Plan.	Names of Owners.	Names of Lessees.	Names of Occupiers.
As to the Brook Street Improvement.				
Dwelling House or Shop, No. 49. on the South Side of Mill Street, with the Yard, Conveniences, and Appurtenances thereto belonging, and now used and occupied therewith.	1	Mary Johnson -	Joseph Brownridge.	Joseph Brownridge.
Two Dwelling Houses, Nos. 14. and 16. on the North Side of Middle Street, and Two Tenements behind, with the Yards, Conveniences, and Appurtenances thereto belonging, and now used and occupied therewith.	3	Charlotte Humphrey.	- - -	Charlotte Humphrey, John M'Cormick, Philip Skully, Henry M'Glathering.
A Dwelling House, No. 13. on the South Side of Middle Street, and Tenement behind, with the Yards, Conveniences, and Appurtenances thereto belonging, and now used and occupied therewith.	4	John H. Miller -	- - -	Caroline Jackson, Ann Wilson.
A Dwelling House, No. 15. on the South Side of Middle Street, with the Yard, Conveniences, and Appurtenances thereto belonging, and now used and occupied therewith.	5	William Wilkin -	- - -	Patrick Haligan.
A Dwelling House or Shop, No. 68. on the North Side of West Street, with the Yard, Conveniences, and Appurtenances thereto belonging, and now used and occupied therewith.	6	George Hammond	Mark Luck Kellington.	Mark Luck Kellington.
A Dwelling House used as a Public House, No. 79. on the South Side of West Street, with the Yard, Conveniences, and Appurtenances thereto belonging, and now used and occupied therewith.	9	James Willford -	Thomas Duesbury	Thomas Duesbury.
Two Dwelling Houses, Nos. 18. and 20. on the North Side of Middle Street, and Five Tenements in a Square behind, with the Yards, Conveniences, and Appurtenances thereto belonging, and now used and occupied therewith.	11	Charlotte Humphrey.	- - -	Mary Kendal, Mary Walters, and others.
A Dwelling House, No. 53. on the South Side of Mill Street, with the Yard, Conveniences, and Appurtenances thereto belonging, and now used and occupied therewith.	12	Mary Johnson -	- - -	John Brownley.

As to the Wellington Lane Improvement.

Property to be taken.	No. on Plan.	Names of Owners.	Names of Lessees.	Names of Occupiers.
Part of a Dwelling House, Yard, and Conveniences thereto belonging, situate on the South Side of Wellington Lane.	13	James Carter -	- - -	Alfred Johnson.
Part of a Garden and Yard with Buildings thereon, situate on the South Side of Wellington Lane.	14	James Thompson	- - -	James Thompson.
Part of a Dwelling House, Yard, Garden, and Conveniences thereto belonging, situate on the North Side of Wellington Lane.	15	Henry Marr -	- - -	Henry Marr.

STOCKPORT.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the Stockport Local Board District, for the Purchase and taking of Lands by the said Board otherwise than by Agreement.

Whereas the Local Board in and for the District of Stockport, in the Counties of Chester and Lancaster, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land, buildings, and premises for the purpose of street improvements and other purposes set forth and described in such petition and shown upon the plan accompanying the same.

And whereas the said petition duly set forth in the Schedule annexed thereto the several pieces of land and the several buildings and premises intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid lands, buildings, and premises who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such petition prayed that the said Board might, with reference to such land, buildings, and premises, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed inquiry, and report has been duly made to me thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board for the said District of Stockport shall be empowered to put in force, with reference to the lands, buildings, and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand, this Thirtieth day of May in the year One thousand eight hundred and sixty-four.

(Signed) G. GREY.

The SCHEDULE referred to in the foregoing Order.

The Lands, Buildings, and Premises proposed to be taken for the Purposes set forth in the preceding Order, and situate in the District of Stockport, are the following:—

No. on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	To make a Road from Hillgate Street to Churchgate Street in the Township of Stockport.			
12	Cottage, Yard, and Land	John Redmond	-	John Lalley.
13	The same	The same	-	Ellen Noon.
14	The same	The same	-	Unoccupied.
14*a*	Wellington Street	The Mayor, Aldermen, and Burgesses of the Borough of Stockport.	—	—
15	Cottage and Land	The same	-	Unoccupied.
16	Yard and Warehouse	The same and Isaac Howard Swain.	-	Unoccupied.
17	Land and Outbuildings	The same	-	Unoccupied.
18	Cottage, Yard, and Outbuildings.	William Spensley	Walter Philips	John Cromwell.
19	The same	The same	The same	Nancy Roberts.
20	Cottage, Passage, Yard, and Rooms over No. 22.	The same	The same	Bridget Annon.
21	House, Shop, Passage, Yard, and Outbuildings.	The same	The same	Walter Philips.
22	House, Shop, Yard, and Outbuildings.	The same	-	George Wright.
172*a*	Shop, House, and Yard	The same	-	Thomas Cragg.
173*a*	Shop, House, and Yard	The same	-	Edward Betts Favell.
174	Shop, House, and Yard	Isaac Howard Swain	-	Eli Hague.
175	Shop, House, and Yard	The same	-	Empty.
176	Shop, House, and Yard	The same	-	Thomas Kearsley.
177	Shop, House, and Yard	The same	-	Joseph Bennett.
178	Shop, House, and Yard	Thomas Goulden	-	Empty.
179	Shop, House, and Yard	John Bamford Hesketh.	-	James Fairchild.

No. on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
23	House, Shop, Yard, and Outbuildings.	William Rayner, M.D., and William Hickman, Executors of the late John Rayner, M.D.	- - -	Elizabeth Dow.
24	The same - - -	The same - -	Peter Scarlett -	Peter Scarlett.
25	House, Shop, Yard, and Outbuildings.	Enoch Turner - -	- - -	Mary Wright.
26	Land and Garden -	The Rev. Charles Kenrick Prescot and others.	- - -	Walter Vaughan.
27	House, Shop, Yard, and Outbuildings.	Enoch Turner -	- - -	Mary Redmayne.
28	Iron Foundry, Workshop, Yard, Part of Brook or Watercourse, Land, and Outbuildings.	Cardwell Cheetham	- - -	Samuel Berrisford.
29	Land - - -	Richard Massey -	- - -	Sarah Beswick.
30	Land - - -	Cardwell Cheetham and George Bowring.	- - -	Unoccupied.
31	Yard and Land - -	The Rector for the Time being of the Parish of Stockport.	James Jinks -	James Jinks.
32	Warehouse, Land, and Outbuildings.	The same - -	The same - -	Mary Alcock, James Bray, Enoch Clarke, Alfred Brown.
33	Yard, Slaughter-houses, and Outbuildings.	The same - -	- - -	James Bamber, Elizabeth Stansfield, William Hobson, William Barker.
34	Cottage and Yard -	George Bramwell -	- - -	Thomas Smith.
35	House, Yard, Garden, and Outbuildings.	Catherine Barrow -	- - -	John Jameson.
36	Land and Passage, Ash-pit, and Outbuildings.	George Bramwell -	- - -	James Bramwell.
37	Cottage, Yard, and Outbuildings.	The same - -	- - -	Eliza Bennett.
38	Cottage, Yard, and Outbuildings.	The same - -	- - -	John Simister.
39	Cottage, Yard, and Outbuildings.	The same - -	- - -	Harriet Jones.
40	Paint Shop and Room -	The same - -	- - -	Elizabeth Clarke.
41	House, Shop, Outbuildings, Yard, and Passage.	The same - -	- - -	The same.
42	Cottage - - -	The same - -	- - -	John Sutcliffe.
43	Warehouse and Rooms over Cottage.	The same - -	- - -	George Bramwell.
44	Brewhouse and Yard -	The same - -	- - -	James Bramwell.
45	Public House, Passage, and Room over.	The same - -	- - -	The same.

To make a Road from St. Peter's Gate to the Market Place in the Township of Stockport.

No. on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
46	House, Shop, Yard, and Outbuildings.	James Leech Rostron and Robert Henry Rostron.	- - -	Unoccupied.
47	House, Shop, Yard, and Room over Passage.	The same - -	- - -	Mary Whitmore.

No. on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
48	House, Shop, Warehouse, Outbuildings, and Yard.	Mary Prime	Arthur Samuel Worthington.	Arthur Samuel Worthington.
49	Warehouse and Land	Eleanor Atherton	- - -	Thomas Birchenough, Arthur Samuel Worthington, George Boothby, and John Boothby.
50	Conservative News Room, Billiard Room, and House with Passage called Turner's Steps.	Alfred Aspland and Maria his Wife, and David Harrison and Algernon Sydney Aspland, Trustees of their Marriage Settlement.	- - -	Public Buildings used as a News Room; George Arthur Fernley, Treasurer of the said News Room.
	Rooms in Turner's Buildings, with Passage called Turner's Steps.	- - -	- - -	Charles Dutton.
	Shop and Room in Turner's Buildings, with Passage called Turner's Steps.	- - -	- - -	James Larkum.
	Warehouse and Rooms in Turner's Buildings, with Passage called Turner's Steps.	- - -	- - -	Herbert Hill Parkes.
51	House, Shop, and Yard	The same	- - -	Mary Ann Lomas.
51*a*	Rooms and Offices over Nos. 51. and 52., with Passage called Turner's Steps.	The same	- - -	John Knowles.
52	Shop, Rooms, and Yard	The same	- - -	James Lomax, junior.
53	House, Shop, Yard, and Outbuildings.	Sarah Wood	- - -	James Brown.
54	The same	The same	- - -	Dennis Leonard.
55	Public House, Spirit Vaults, Warehouses, Cellars, Yard called Royal Oak Yard, and Outbuildings.	Alfred Aspland and Maria his Wife, and David Harrison and Algernon Sydney Aspland, Trustees of their Marriage Settlement.	- - -	George Turner.
55*a*	House, Shop, Yard, Workshop, Yard called Royal Oak Yard, and Outbuildings.	Henry Saunby	- - -	Henry Saunby.
56	House, Shop, Office, Yard, and Outbuildings.	John Boothroyd	- - -	John Boothroyd and Son, George Leah.
57	Stable, Buildings, and Premises in Royal Oak Yard.	Alfred Aspland and Maria his Wife, and David Harrison and Algernon Sydney Aspland, Trustees of their Marriage Settlement.	- - -	Sarah Williamson.
	Joiner's Shop and Yard in Royal Oak Yard.	- - -	- - -	John Hird.

No. on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
57*a*	Stable and Yard	George Yates	- - -	George Yates.
	Bakehouse and Yard	The same	- - -	The same.
	Malt Kiln and Yard	The same	- - -	The same.
	Crushing Mills and Yard	The same	- - -	The same.
	Warehouse and Yard	Thomas Stringer	James Heginbotham.	James Heginbotham.
	Warehouse and Yard	The same	- - -	George Yates.
	Stable and Yard	Alfred Aspland and Maria his Wife, and David Harrison and Algernon Sydney Aspland, Trustees of their Marriage Settlement.	- - -	Sarah Williamson.
	Stable and Yard	William Turner	- - -	Sarah Williamson.
	Warehouse and Yard	Alfred Aspland and Maria his Wife, and David Harrison and Algernon Sydney Aspland, Trustees of their Marriage Settlement.	- - -	George Turner.
	Workshop and Yard	Mary Barrow	- - -	Mary Barrow.
	Stable and Yard	Sarah Birkett	- - -	Sarah Birkett.
	Carthouse and Yard	The same	- - -	The same.
	Bakehouse and Yard	The same	- - -	The same.
	Shop and Yard	John Hudson	- - -	Joseph Hudson.
	House and Shop and Yard.	The same	- - -	Mary Hannah Redfern.
	The same	The same	- - -	John Shore.
	The same	Sarah Birkett	- - -	Sarah Birkett.
	The same	The same	- - -	Louisa Spencer.
	The same	Joseph Braddock	- - -	Joseph Braddock.
	The same	Joseph Rayner	- - -	William Walker.
	The same	The same	- - -	Isaac C. Holme.
	The same	The same	- - -	James Evans.
	The same	George Chapman	- - -	Chapman and Watts.
	The same	The same	- - -	William M'Kinley.
	The same	The same	- - -	William Harrison.
	The same	The same	- - -	Edwin Gosling.
	The same	Thomas Haigh	- - -	Thomas Haigh.
	The same	John Boothroyd	- - -	Joel Hallworth.
	The same	Thomas Claye	- - -	Joseph Booth.
	The same	The same	- - -	William Claye.
	The same	George Wood	- - -	George Wood.
	The same	Edward Evans	- - -	James Heginbotham.
58	Warehouse and Store, with Room over and Yard.	Thomas Stringer	- - -	Volunteer Fire Brigade; Henry Whalley, Captain.
	Wood Turner's Shop and Yard.	Thomas Stringer	- - -	Josiah Lee.
59	House, Shop, and Cottage and Rooms underneath.	Thomas Edmund Turner and Joseph Plant.	Zaccheus Holden	Zaccheus Holden.
60	The same	The same	- - -	James Handley.
61	Cottages, Outbuildings, and Yard.	Thomas Stringer	- - -	John Wood.

No. on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	To make a Road from St. Peter's Square to Chestergate in the Township of Stockport.			
78	Yard	William Davis	- - -	Peter Hall.
79	Rooms occupied as Dwellings.	The same	- - -	Patrick Flanagan, Peter Hall, John M'Garry, Martin Dempsey, John Queeney, Margaret Hanley, John Fury.
80	Cottage House	The same	- - -	Owen Bradley.
81	Rooms occupied as Dwellings.	The same	- - -	Mary Doyle, Thomas Macgowen, Bridget Hanley.
82	Rooms occupied as Dwellings.	The same	- - -	Ann Queeney, Mary Wade, James Riley.
83	Yard	The same	- - -	Unoccupied.
84	Cottages, Rooms, and Passage.	The same	- - -	Thomas Fury, James Scott, Mary Lyons.
85	Vacant Ground adjoining Low Bank Steps.	The same.	——	——
86	Public Passage or Place called Low Bank Steps.	Mayor, Aldermen, and Burgesses of the Borough of Stockport.	——	——
87	House, Shop, Outbuildings, and Yard.	James Taylor	- - -	Not occupied.
88	House, Shop, Outbuildings, and Yard.	The same	- - -	Not occupied.
89	House, Shop, Outbuildings, and Yard.	The same	- - -	Not occupied.
90	Rooms over Nos. 90. and 91.	John Vaughan	- - -	John Robinson, James Whelan, John Handley.
91	Passage and Yard	The same	- - -	John Robinson, Hugh Devine, Thomas Gilmartin.
91*a*	Coal Hole, Petties, and Steps.	The same	- - -	Unoccupied.
92	House	The same	- - -	Hugh Devine.
93	House	The same	- - -	Not occupied.
93*a*	Room over No. 93.	The same	- - -	Patrick Conley.
94	House	The same	- - -	Thomas Gilmartin.
	Rooms over No. 94.	The same	- - -	John Peat, William Wright.
95	Warehouse and Cellar in the Rock.	John Appleby, jun., and Frances Appleby.	- - -	Executors of the late W. H. Appleby.
96	House, Shop, Yard, and Cellar in the Rock.	The same	- - -	John Appleby, sen., and John Appleby, junior.
	Rooms over same	- - -	- - -	George Hadfield, Peter Stamford.
97	Passage and Yard	John May and John Andrew.	- - -	Not occupied.
	Rooms over same	The same	- - -	James Farrell.
98	House, Passage, and Yard	The same	- - -	Robert Donoghue.
99	Cottage and Yard	Mary Ann Pickford	- - -	Not occupied.
100	Cottage and Yard	The same	- - -	Robert Corson.
101	Public Passage or Place called Low Bank Side, Kitchen, and Conveniences underneath.	The same and the Mayor, Aldermen, and Burgesses of the Borough of Stockport.	- - -	Daniel Whittaker.

No. on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners	Lessees or reputed Lessees.	Occupiers.
102	White Hart Inn Yard, Passage and Outbuildings, and Kitchen and Conveniences underneath Low Bankside.	Mary Ann Pickford	- - -	The same.
103	Public Street called Bear Hole Brow.	Mayor, Aldermen, and Burgesses of the Borough of Stockport.	——	——
103*a*	Public Street, Chestergate.	The same.	——	——
104	Vacant Ground at the Foot of Pickford's Brow.	The same.	——	——
105	Bakery, Shop, and House	The same or John Arthur Neal.	- - -	George Greaves.
106	Cottages - - -	The same - -	- - -	Not occupied, John M'Goveran.
117	Hadfield's Court - -	The Mayor, Aldermen, and Burgesses of the Borough of Stockport.	——	——
118	House, Shop, and Outbuildings.	John Arthur Neal and Edward Walmsley.	- - -	William Brooks.
119	House, Shop, Yard, and Passage.	Edward Walmsley -	- - -	Robert Gudgeon.
120	House, Shop, Yard, and Passage.	The same - -	- - -	Thomas Travis.
121	House, Shop, Yard, and Passage.	The same - -	- - -	John Booth.
122	House, Shop, Yard, and Passage.	The same - -	- - -	William Whittaker.
123	Grapes Inn, Chestergate	Nancy Howard -	- - -	Joseph Worrall.
124	Shop, House, and Passage.	John Hudson -	- - -	Joseph Hudson.
125	Shop, House, and Passage.	The same - -	- - -	Joseph Redfern.
126	Shop, House, and Passage.	The same - -	- - -	John Shore.
127	Shop, House, and Passage.	Sarah Birkett -	- - -	Louisa Spencer.
128	Shop, House, and Passage.	The same - -	- - -	Sarah Birkett.
129	Shop, House, and Passage.	Joseph Braddock -	- - -	Joseph Braddock.
130	Public Street, Great Underbank.	The Mayor, Aldermen, and Burgesses of the Borough of Stockport.	——	——
131	Shop and House - -	Robert Holt and Joseph Blackshaw, Trustees of the late John Harrop, Esquire.	- - -	William Fleming.
132	Office - - -	The same - -	- - -	Edward Reddish.
133	Shop and House - -	The same - -	- - -	William Adamson.
134	Shop, House, and Passage.	Miss Priestnall and Ralph Kinder.	- - -	Mary Ann Evans.
135	Shop, House, and Passage.	The same - -	- - -	Mary Kinder.

No. on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
136	Shop, House, and Passage.	The same	- - -	Benjamin Brookes.
137	Shop and House	Jonathan Barrow	- - -	Not occupied.
138	Shop and House	The same	- - -	Henry Lee Pidgeon.
139	Public Street, Adlington Square.	Mayor, Aldermen, and Burgesses of the Borough of Stockport.	—	—
140	Beerhouse and House	Joseph Rothwell	- - -	Thomas Fitzpatrick.
141	Entrance Lodge to Cotton Mill.	George Wilkinson	- - -	Not occupied.
142	Shop	Samuel Bunting	- - -	Samuel Bunting.
143	Shop	The same	- - -	The same.
144	Shop, House, and Passage.	William Lees	- - -	Henry Booth.
145	Beerhouse and House	The same	- - -	Joseph Dolan.
146	Shop and House	William Pidgeon	Elizabeth Lee	Elizabeth Lee.
147	Shop and House	John Lomas	- - -	John Lomas.
148	Shop and House	The same	- - -	Henry Rhodes.
149	Fleece Inn	Samuel Brookes	- - -	Samuel Brookes.
150	Shop and House	The same	- - -	Jane Willert.
151	Passage to Taylor's Court.	Sarah Lallimand	- - -	Unoccupied.
152	Pawnbroker's Shop	Sarah Lallimand	- - -	John Hunt.
153	Shop and House	John Appleby, sen. and Francis Appleby.	- - -	John Appleby, junior.
154	Brewhouse in Pickford's Brow.	Mary Ann Pickford	- - -	Not occupied.
	Rooms or Dwellings over No. 154, and Entrance from High Bankside.	The same	- - -	Thomas Meaham.
155	Cottage next to Brewhouse.	The same	- - -	Not occupied.
	Rooms or Dwellings over No. 154.	The same	- - -	James Broderick, Bartholomew Mitchell.
156	Cottage on Pickford's Brow.	The same	- - -	Jane Connolly.
	Rooms over the same	- - -	- - -	Michael Moran.
157	Cottage on Pickford's Brow.	The same	- - -	Bridget Gilmore.
158	Petties	The same	- - -	Unoccupied.

To make a Road from Rock Row to the Wellington Road in the Township of Stockport.

No. on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
62	Cottage House	Edward Hooper	- - -	John Godfrey.
63	Cottage House	The same	- - -	Unoccupied.
64	Joiner's Shop over Cottage.	The same	- - -	William Austin.
65	Yard	The same	- - -	Unoccupied.
66	Cottage House	The same	- - -	John Kelly.
67	Cottage House	The same	- - -	Daniel Davett.
67*a*	Passage	Charles Poppleton	- - -	Unoccupied.
68	Cottage House and Yard	The same	- - -	Charlotte Russell.
69	Cottage House and Yard	The same	- - -	James Storey.
70	Cottage House and Yard	The same	- - -	John Ardern.
71	Public Street, Lawrence Street.	Mayor, Aldermen, and Burgesses of the Borough of Stockport.	—	—

No. on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
72	Yard - -	Rev. Henry Offley Wright.	- - -	Mayor, Aldermen, and Burgesses of the Borough of Stockport.
73	Smithy and vacant Ground.	The same - -	John Taylor -	John Taylor and Thomas G. Knight.
74	Vacant Ground - -	The same - -	Same.	——
76	Land - - -	The same - -	- - -	Trustees of St. Peter's Church.
77	Public Street, Rock Row	Mayor, Aldermen, and Burgesses of the Borough of Stockport.	——	——

To widen and improve the Corner of Piccadilly and Eliza Street in the Township of Stockport.

1	Cottage, Yard, and other Premises.	Mrs. Goodall -	- - -	James Whiteley.
2	The same - -	The same - -	- - -	Ellen Davies.
3	The same - - -	The same - -	- - -	Thomas Pearson.
4	The same - -	The same - -	- - -	Mary Garner.
5	The same - -	The same - -	- - -	Christopher Thomas M'Gormack.
6	The same - - -	The same - -	- - -	George Thurgoland.
7	Cottage and Yard -	James Ashton, M.D.	- - -	Thomas Bowden.
8	The same - - -	The same -	- - -	Judith Garnett.
9	The same - -	The same - -	- - -	Ellen Ward.
10	The same - - -	The same - -	- - -	Charles Garnett.
11	The same - -	The same - -	- - -	John Moore.

To make a Road from the New Road, Lancashire Hill, in the Township of Heaton Norris, to Avenue Street in the Township of Brinnington.

159	Joiner's Workshop -	Richard Woodhead and Anthony Holmes, Executors of Robert Coulson.	- - -	Peter Walker.
159*a*	Yard - - -	The same - -	- - -	Unoccupied.
159*b*	Cottage and Yard -	The same - -	- - -	John Matthews.
160	Public Street, Nicholson Street.	Mayor, Aldermen, and Burgesses of the Borough of Stockport.	——	——
161	Public Street, Penny Lane.	Mayor, Aldermen, and Burgesses of the Borough of Stockport.	——	——
162	Land - - -	Stockport, Timperly, and Altrincham Junction Railway Company.	- - -	Stockport, Timperley, and Altrincham Junction Railway Company.
163	Steps leading down to Bandwalk.	Mayor, Aldermen, and Burgesses of the Borough of Stockport.	- - -	Public Road.
164	Road leading from Penny Lane to Old Print Works.	Mayor, Aldermen, and Burgesses of the Borough of Stockport.	- - -	Public Road.

No. on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
165	Watercourse from Waterwheel at Canal.	Ashton Canal Company.	- - -	Ashton Canal Company.
166	Bandwalk - -	Lady M'Dougall, William Courtenay Cruttenden, and John Ralph Shaw.	- - -	William Hopwood, Benjamin Horne.
167	River Tame.	——	——	——
168	Land, Bed of the River -	Trustees of James Harrison, John Charles Lucena, and William Oldfield Wilson.	- - -	James Harrison, John Charles Lucena, William Oldfield Wilson.
169	Mill-race and Goit -	The same - -	- - -	The same.
170	Public House called the Millstone.	Trustees of James Harrison, John Charles Lucena.	- - -	John Mode.
171	Land at Side of Railway	The same and Stockport, Timperley, and Altrincham Junction Railway Company.	- - -	Stockport, Timperley, and Altrincham Junction Railway Company.
172 and 173	Avenue Street and Portwood Place.	Mayor, Aldermen, and Burgesses of the Borough of Stockport.	- - -	Public Road.

To make a Road from Tiviot Dale to Stewart Street in the Township of Heaton Norris.

No. on Plan.	Lands, &c. proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
107	Cotton Waste Warehouse	William Smith -	- - -	Thomas Chadwick.
108	House, Yard, and Outbuildings.	The same - -	- - -	Empty.
109	House and Offices and Land.	The same - -	- - -	Thomas Ousey.
110	- - - -	The same - -	- - -	The same.
111	Land - - -	William Williamson	- - -	Unoccupied.
112	Land and Outbuildings -	The Stockport Cotton Manufacturing Company, Limited.	- - -	The Stockport Cotton Manufacturing Company, Limited.
113	House, Timber Yard, and Outbuildings.	The same - -	- - -	William Gilmore.
114	Wash-house and Chimney and Land.	William Williamson	- - -	Empty.
115	Outbuildings and Land -	The Stockport Cotton Manufacturing Company, Limited.	- - -	William Gilmore.
116	Outbuildings and Land -	The same - -	Thomas Livesley	Thomas Livesley.

PENZANCE.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the Penzance Local Board of Health District, for the Purchase and taking of Lands by the said Board, otherwise than by Agreement.

Whereas the Local Board of Health in and for the District of Penzance, in the County of Cornwall, under the Local Government Act, 1858, have, in pursuance of the Provisions of the 75th Section of the said Act, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land, buildings, and premises, for the purpose of certain street improvements within that District, between the western part thereof and the Western Green or Esplanade.

And whereas the said Petition duly set forth in the Schedule annexed thereto the several pieces of land, &c. (as shown on the plan accompanying the same) intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid lands, &c. who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such Petition prayed that the said Board might, with reference to such lands, &c., be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board of Health for the said District of Penzance shall be empowered to put in force, with reference to the lands, buildings, and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand this Sixth day of June in the year One thousand eight hundred and sixty-four.

(Signed) G. Grey.

The

The SCHEDULE referred to in the foregoing Order.

THE LANDS, BUILDINGS, and PREMISES proposed to be taken for the Purposes set forth in the preceding Order, and situate in the District of Penzance, are the following, the Figures in the Second Column referring to those on the Plan mentioned in the Petition of the aforesaid Local Board and in the foregoing Order.

Description of Land.	No. on Plan.	Estimated Quantity.	Owner.	Lessee.	Occupier.
		R. P. F.			
Part of Arable Field -	1	0 34 2	Christopher Henry Thomas Hawkins.	- -	John Coulson.
Part of Arable Field and Orchard.	2	0 25 6	The same - -	- -	The same.
Part of Arable Field -	3	1 25 3	The same - -	- -	The same.
Outhouse - - -	4	0 1 4	The same - -	- -	The same.
Part of Orchard - -	5	1 25 6	The same - -	- -	John Fox.
Nursery Ground - -	6	0 7 2	Lydia Penneck Couch	John Fox	The same.
Part of Arable Field -	7	0 33 4	John Josias Arthur Boase.	- -	John, William, Edward, and Henry Lawrence.
Part of Arable Field -	8	0 20 6	The same - -	- -	The same.
Part of Arable Field -	11	0 21 8	Lydia Penneck Couch	John Fox	John Fox.
Part of Arable Field -	12	0 31 6	Elizabeth Catherine Thomas Carne.	- -	John Pollard.
Part of Arable Field -	13	0 20 0	The same - -	- -	The same.
Part of Arable Field -	15	0 26 7	George Kingston Stevens.	- -	George Kingston Stevens.
Occupation Road - -	16	0 10 9	George Kingston Stevens, Maria John, and Elizabeth Catherine Thomas Carne.	- -	George Kingston Stevens, Maria John, and Elizabeth Catherine Thomas Carne.
Part of Arable Field -	17	0 29 4	Maria John - -	- -	Stephen Richards and John Carter.
Rope House - -	18	0 1 9	The same - -	- -	Stephen Richards and John Carter.

SHANKLIN.

Provisional Order repealing a Local Act in force within the District of the Shanklin Local Board.

Whereas the Local Board for the District of Shanklin, in the Isle of Wight, in which District the Local Government Act, 1858, has been duly adopted, have, in pursuance of the said Act, presented a Petition to the Right Honourable Sir George Grey, as one of Her Majesty's Principal Secretaries of State, praying for the repeal of a certain Local Act of Parliament in force within the Isle of Wight aforesaid, so far as such Act affects the said District of Shanklin, the said Act having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the Fifty-third year of the reign of King George the Third, intituled "An Act for amending the Roads and Highways in the Isle of Wight."

And whereas, in pursuance of the said Local Government Act, inquiry has been made in the said District in respect of the matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such order can be valid without the confirmation of Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The said Local Act shall be repealed so far as such Act affects the District of the aforesaid Local Board of Shanklin.

Given under my hand this Sixth day of June in the year One thousand eight hundred and sixty-four.

(Signed) G. GREY.

STOCKPORT.

Provisional Order repealing and altering Parts of Local Acts in force within the District of the Stockport Local Board.

Whereas the Local Board in and for the District of Stockport in the Counties of Chester and Lancaster have, in pursuance of the Local Government Act, 1858, presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of certain Local Acts of Parliament in force within the said District, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the first year of the reign of Queen Victoria (Cap. 129.), intituled " An Act for improving and regulating the Borough of Stockport " in the several Counties of Chester and Lancaster;" and

A certain other Act passed in the tenth and eleventh year of the reign of Queen Victoria (Cap. 284.), intituled " An Act to purchase and define " the manorial and market rights of Stockport, to establish public parks, " to purchase or lease waterworks, to build bridges, and to make other " communications within the Borough of Stockport;" and a certain other Act, intituled " The Stockport Amendment Act, 1853 " (16 Vict. Cap. 26.)

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The parts of the said herein-before recited Local Acts specified in the Schedule hereunto annexed shall be repealed.

Given under my hand, this Thirtieth day of May in the year One thousand eight hundred and sixty-four.

(Signed) G. Grey.

Schedule to which this Order refers.

The sections to be repealed in the herein-before recited Local Acts are,—

1.—In the said firstly herein-before recited Local Act (1 Vict. c. 129.), the sections numbered 26 to 32; 56 to 70; 75 to 87; 89 to 98; and 100 to 124; all inclusive.

2.—In the said secondly herein-before recited Local Act (10 & 11 Vict. c. 284.), the sections numbered 26 and 27.

3.—In the said thirdly herein-before recited Act (16 Vict. c. 26.), the 12th section.

STROUD.

Provisional Order for extending the Borrowing Powers of the Stroud Local Board of Health.

Whereas the Public Health Act, 1848, has been duly applied to the area comprised within the boundaries of the Town of Stroud in the County of Gloucester, as defined in the second section of the Local Act of 6 Geo. 4. c. 6.; and, under the provisions of the Public Health Supplemental Act, 1857, 20 Vict. cap. 3., the Commissioners for the time being acting in execution of the said Local Act "for paving, lighting, watching, cleansing, regulating, and improving the town of Stroud, in the county of Gloucester," were appointed the Local Board of Health, under the said Public Health Act, subject to the provisions in the said last-mentioned Act contained as to the election of members.

And whereas the powers, authorities, and duties of the said Commissioners ceased from and after the passing of the aforesaid Public Health Supplemental Act, 1857, and were transferred to the said Local Board of Health, to be exercised as if they had been granted or imposed by the said Public Health Act; and all property and estate of the Commissioners acting in the execution of the said Local Act were also transferred to the said Local Board of Health, and all debts, monies, and securities for money contracted or payable, or to become payable by such Commissioners, were thenceforth to be satisfied by the said Local Board.

And whereas the said Local Board of Health have received sanction under the Local Government Act, 1858, and the Public Health Act, 1848, to borrow upon security of the rates of the aforesaid District of Stroud sums amounting in the whole to thirteen thousand five hundred pounds to defray the expense of Works for the Drainage of and Supply of Water to the said District, and other Works of a permanent nature under the aforesaid Acts; and, subsequently, a further sum of One thousand six hundred pounds to carry out and complete the said works and to carry out other works of a permanent nature.

And whereas the said Local Board have now duly petitioned me, as one of Her Majesty's Principal Secretaries of State, for power to borrow, upon mortgage of the rates to be levied by them under the said Acts, the sum of 5,000*l.*, to enable them to erect gas works, and lay and fix the necessary mains, pipes, lamps, and other things, for lighting the streets in their said Districts with gas, and for supplying such of the inhabitants of the District as are desirous of using gas; and the further sum of 400*l.* to enable them to defray the additional cost of the said works of Water supply so executed by them as aforesaid;—the said sum of 5,400*l.* to be borrowed upon security of the rates authorized to be made and collected under the Public Health Act, 1848, and Local Government Act, 1858, and to be repaid within a period of fifty years from the borrowing thereof.

And whereas after due inquiry and report by Robert Morgan, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, as aforesaid, I do hereby, by this Provisional Order, under my Hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order—

1.—The Local Board of Health for the District of Stroud in the county of Gloucester shall have power and authority to borrow, for the execution and completion of the aforesaid works of a permanent nature within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, any sum or sums which shall not exceed in the whole the sum of Five thousand four hundred pounds; the said sum or sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand this Sixth day of June 1864.

(Signed) G. GREY.

PORTSMOUTH.

PORTSMOUTH.

Provisional Order repealing and altering Parts of Local Acts in force within the District of the Portsmouth Local Board.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Portsmouth, in the County of Southampton, by the Council of the Borough of Portsmouth, acting as the Local Board, in and for the said Borough, being a District within which the Local Government Act, 1858, has been duly adopted, have, in pursuance of the Local Government Act, 1858, presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of certain Local Acts of Parliament in force within the said District, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the tenth and eleventh year of the reign of Queen Victoria (Cap. 257.), intituled " An Act for paving, lighting, cleansing, watering, " regulating, and otherwise improving the Town of Portsmouth, in the " County of Southampton, and for removing and preventing nuisances and " annoyances therein ;" and

A certain other Act, passed in the sixth year of the reign of Queen Victoria (Cap. 35.), intituled " An Act for paving, lighting, cleansing, watering, " regulating, and otherwise improving the Town of Portsea, in the " County of Southampton, and for removing and preventing nuisances " and annoyances therein ;" and

A certain other Act, passed in the twentieth and twenty-first year of the reign of Queen Victoria (Cap. 37.), intituled " An Act for the improve- " ment of Landport and Southsea and the neighbourhoods, in the " Parishes of Portsmouth and Portsea, in the County of Southampton."

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The said herein-before recited Local Acts, except the parts thereof specified in the Schedule hereunto annexed, shall be repealed.

2.—All the property and estate of the Commissioners acting in execution of the said Local Acts shall be transferred to and become vested in the said Local Board.

3.—All debts and liabilities under the said Local Acts shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith if this

Order had not been made; and if such property and estate shall be insufficient for that purpose, then their debts and liabilities may be satisfied as debts and liabilities under the Local Government Act, 1858; and it shall be lawful for the said Local Board, with such sanction as is required by the said Act for the borrowing of other sums by the said Local Board, to borrow such sums as shall be required to discharge the said debts and liabilities.

4.—All expenses under the unrepealed portions of the said Acts shall be borne by the rates leviable in the said District under the said Local Government Act, as if the purposes for which such expenses were incurred were purposes of the said Local Government Act.

5.—The provisions of the said herein-before recited Local Acts not hereby repealed, and of the Acts incorporated in whole or in part with the said herein-before recited Local Acts or any of them, shall, except as herein-after provided, extend to the whole of the said District, and shall be incorporated with the said Local Government Act, and the said Local Board shall be the Commissioners for executing the said Acts: Provided that sections 34 and 35 of the said firstly herein-before recited Local Act, and section 102 of the said secondly herein-before recited Local Act, and sections 47 and 50 of the said thirdly herein-before recited Local Act, shall apply only to the Districts to which they respectively applied before the passing of any Act confirming this present Order.

Given under my hand this Eleventh day of June One thousand eight hundred and sixty-four.

(Signed) G. Grey.

Schedule to which this Order refers.

The sections to be retained in the herein-before recited Local Acts are,—

1.—In the said firstly herein-before recited Local Act (10 & 11 Vict. c. 257.), the sections numbered respectively 30, 32, 34, 35, 52, 53 to 57, both inclusive.

2.—In the said secondly herein-before recited Local Act (6 Vict. c. 35.), the sections numbered respectively 101, 102, 103, 112, 135, 136, 137. So much of sections 189 to 202 (both inclusive) as enables the Commissioners to grant licences to carters, porters, barrowmen, draymen, or persons otherwise employed in carrying or conveying goods, wares, or merchandise, and to license sedan chairs, and so much as relates to such licences when granted.

3.—In the said thirdly herein-before recited Act (20 & 21 Vict. c. 37.), the 16th section, in so far as it incorporates the following sections of the Towns Improvement Clauses Act, 1847; viz., sections 53, 98, 147 to 151 (both inclusive), 196, 197; and the section numbered 20, in so far as relates to the interpretation of the 53rd section of the Towns Improvement Clauses Act, 1847; 32, 34, 47, 49, 50. So much of section 61 as relates to the incorporation of the Waterworks Clauses Act, 1847. So much of section 84 as relates to abusive language; 85, 86, and 97, except as to the first proviso of the last herein-before recited section.

TUNBRIDGE

TUNBRIDGE WELLS.

Provisional Order repealing and altering Parts of Acts in force within the District of the Board of Tunbridge Wells Improvement Commissioners.

Whereas the Board of Tunbridge Wells Improvement Commissioners have, in pursuance of the Local Government Act, 1858, presented a petition to One of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of certain Acts of Parliament in force within their district, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the ninth and tenth years of the reign of Queen Victoria, intituled, the Tunbridge Wells Improvement Act, 1846; and

A certain other Act passed in the twenty-third and twenty-fourth year of the reign of Queen Victoria, intituled, the Local Government Supplemental Act, 1860 (No. 2.), so far as the said Act relates to the aforesaid Tunbridge Wells District.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct,—

That from and after the passing of any Act of Parliament confirming this Order—

1.—All the parts of the said herein-before recited Acts shall be repealed, except the sections specified in the Schedule hereunto annexed.

Given under my hand, this Eleventh day of June in the year One thousand eight hundred and sixty-four.

(Signed) G. Grey.

Schedule to which the preceding Order refers.

The sections of the herein-before recited Act of 9 & 10 Vict., intituled, The Tunbridge Wells Improvement Act, 1846, to be retained, are as follow:—

The preamble and first section of the Tunbridge Wells Improvement Act, 1846, relating to the waterworks, as affecting the Earl of Abergavenny, and the waterworks and market rights, as affecting John Ward, his heirs and assigns.

Also, the following sections of the said Act, viz., Section 8 (relating to the title of the Tunbridge Wells Improvement Act, 1846).

Section 9. (Such portion only as describes the title of the Commissioners as the Tunbridge Wells Improvement Commissioners.)

Sections 37, 70, and 71.

Sections 80, 85, 97, 119, 120, 123, and 133.

Section 137. The penal part of the section, and the clause, "That every "person who shall use any threatening, abusive, or insulting words or "behaviour, with intent, &c."

Sections 142 to 149, both inclusive.

Sections 167, 176 to 187, both inclusive, 218, 219, 221, 224, 227, and 228.

Sections 243 to 247, both inclusive, and sections 249 to 251, both inclusive.

TUNBRIDGE WELLS.

Provisional Order for altering the Boundaries of the District of Tunbridge Wells in the Counties of Kent and Sussex.

Whereas a petition has been duly presented to me, as one of Her Majesty's Principal Secretaries of State, under the Provisions of the 77th Section of the Local Government Act, 1858, duly signed by the Board of Tunbridge Wells Improvement Commissioners, acting under and by virtue of the Tunbridge Wells Improvement Act, 1846, and the Local Government Supplemental Act, 1860 (No. 2.), praying for an alteration of the boundaries of their District.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition, and report has been made to me thereon by Robert Morgan, Esquire, the Inspector appointed for the purpose.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct,—

That from and after the passing of any Act of Parliament confirming this Order—

1.—The boundaries of the District of the aforesaid Board of Tunbridge Wells Improvement Commissioners, acting as herein-before described, be altered as follows, viz.:—By the addition of a piece of land situate in the Parish of Frant, lying beyond the limits of the said District, and between it and a certain new road called the Broadwater Down Road, leading into the Eridge Road near Strawberry Hill. (The said piece of land being shown and bounded by a red line on the plan accompanying the herein-before described petition, and marked No. 1. The new boundary line to pass on the outward side of the said road, so as to include the same within its limits.) Also, by the exclusion from the limits of the said District of a piece of land in the occupation of David Salomons, Esquire, situate in the Parish of Tunbridge, and bounded towards the east and south-east by the north side of the highway leading from the bridge near Huntley's Mill to Brightridge Lane towards the present boundary of the Town along the lane or highway sometime since stopped by order of Sessions; and on the north by the south side of the said Brightridge Lane, together with so much of the said lane as lies on the north side of this piece of land as the same is more particularly delineated and shown in the Plan herein-before described, and marked No. 2.: And by the alteration of the Town boundary in the lane or highway leading from Blackhurst Gate to Hall's Hole, and from thence along the same lane or highway to Wybourne's Gate, as delineated and shown in two places on the Plan herein-before described, and marked No. 3.

2.—At every election of members of the Commissioners aforesaid which shall take place after the passing of the Act of Parliament confirming this Order, the Commissioners to be elected shall be elected for the whole of the District as altered by this Order, and by the votes of owners of, and ratepayers in respect of, property situate within the District so constituted.

Given under my hand this Eleventh day of June in the year One thousand eight hundred and sixty-four.

(Signed) G. Grey.

WOOLWICH.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Woolwich Local Board of Health, for the Purchase of Land by the said Board for Street Improvements.*

Whereas the Local Board of Health for the District of Woolwich, in the County of Kent, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a Petition to me as one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land and certain buildings for the purpose of carrying out certain street improvements within the District of the said Local Board of Health.

And whereas the said Petition duly set forth the pieces of land and the buildings intended to be taken by such Board for such purpose, &c.; and prayed that the said Board might, with reference to such lands and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and the Inspector appointed for the purpose has now inquired in the district aforesaid into the subject-matter of such petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order—

1. The Local Board of Health for the District of Woolwich aforesaid shall be empowered to put in force, with reference to the lands and buildings referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my hand this Eleventh day of June in the year One thousand eight hundred and sixty-four.

(Signed) G. GREY.

SCHEDULE referred to in the preceding Order.

Land proposed to be taken.	Owners and Occupiers.
The Forecourt of No. 47, Thomas Street or Green's End, Woolwich.	Wm. Richardson, John Hodgson, and Mrs. Buckhouse.
The Forecourt of No. 48, Thomas Street or Green's End.	Augustus Prater, W. Richardson, and Mrs. Buckhouse.
A Piece of Land adjoining the Forecourt of No. 48, Thomas Street or Green's End.	Augustus Prater, W. Richardson, and Mrs. Buckhouse.
The Forecourt of No. 49, Thomas Street or Green's End.	George Hudson, Sir Robert Ogilby and his Trustees, Richard Powis Monk and Thomas McBride.

TORMOHAM.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of Tormoham, for the Purchase of Lands by the Local Board of Health of the aforesaid District for Street Improvements.

Whereas the Local Board of Health for the District of Tormoham, in the County of Devon, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, duly presented a Petition to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Board to purchase certain pieces of land and certain buildings for certain street improvements in the said District, as set forth and described in such Petition, and shown on the plan accompanying the same.

And whereas the said Petition duly set forth the several pieces of land and the several buildings intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, or are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board for the said District of Tormoham shall be empowered to put in force, with reference to the land and premises referred to and described in the Schedule to this Order annexed, and in the Petition herein-before referred to, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand this Eleventh day of June in the year One thousand eight hundred and sixty-four.

(Signed) G. GREY.

SCHEDULE referred to in the preceding Order.

The PIECES of LAND and the PREMISES proposed to be taken, as described in the foregoing Order, are the following:—

No. on Plan.	Description of Land intended to be taken.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Occupiers.
1	Turnpike Road and Footpaths.	Trustees of the Dartmouth, Brixham, and Torquay Turnpike Roads, and Tormoham District Local Board of Health.	—	—
2	Road or Passage and Sewer.	Tormoham District Local Board of Health, Sir Lawrence Palk, Baronet, and Robert Shedden Sulyarde Cary.	Elizabeth Field, William Prowse, John Pook, and Samuel Setter Border.	William Angleis, John Henry Wyatt, James Weeks, Thomas Matthews, John Pook, Thomas Weeks, William Wood, Robert Mildon, James Sire.

No. on Plan.	Description of Land intended to be taken.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Occupiers.
3	House	Robert Shedden Sulyarde Cary.	Elizabeth Field	Void.
4	Ditto and Privy	Ditto	Ditto	William Wood.
5	Ditto and Shop	Ditto	Ditto	Robert Mildon and James Sire.
6	Court	Ditto	Ditto	William Wood, Robert Mildon, and James Sire.
7	Passage or Occupation Way and Sewer.	Robert Shedden Sulyarde Cary, Sir Lawrence Palk, Baronet, and Tormoham Local Board of Health.	William Prowse, John Pook, and Samuel Setter Border.	William Angleis, John Henry Wyatt, Thomas Matthews, James Weeks, John Pook, and Thomas Weeks.
8	House and Spirit Shop, Stable-yard, and Outbuildings (London Hotel).	Robert Shedden Sulyarde Cary.	William Prowse	William Angleis.
9	House, Shop, and Tenement (10, Fleet Street).	Ditto	Ditto	John Henry Wyatt and William Angleis.
10	House, Shop, Court, and Sewer (9, Fleet Street).	Ditto - Sir Lawrence Palk, Bart., and Tormoham Local Board of Health.	John Shapley	James Weeks and John Henry Wyatt.
11	House, Shop, Court, and Sewer (8, Fleet Street).	Ditto	Ditto	Thomas Matthews.
12	House, Shop, Court, and Sewer (7, Fleet Street).	Ditto	John Pook and Samuel Setter Border.	John Pook.
13	House, Shop, Court, and Sewer (6, Fleet Street).	Ditto	Ditto	Thomas Weeks.
14	House, Shop, Court, and Sewer (5, Fleet Street).	Ditto	John Harvey	George Watts.
15	House, Shop, Court, and Sewer (4, Fleet Street).	Ditto	Ditto	Emma Pratt.
16	House, Shop, Court, Sewer, and Passage (4, Fleet Street).	Ditto	John Harvey, John Shapley, and George William Williams.	Mary Inman, George William Williams.
17	House, Shop, Court, and Sewer (3, Fleet Street).	Ditto	John Shapley and George William Williams.	George William Williams.
18	House, Shop, and Sewer (2, Fleet Street).	Ditto	George Dashper	Robert Blackmore.
19	House, Shop, and Sewer (1, Fleet Street).	Robert S. S. Cary, Sir L. Palk, and Tormoham Local Board of Health.	George Dashper	Henry Wreyford.
19*a*	Surface of Sewer and Sewer.	Ditto	- - - -	Francis Godfrey, John Kingwell, John Archer Hall, William Staddon, jun., Mary Rossiter, Edmund Bond, John Lawrence, William Browning, and Thos. Samuel Weeks.
19*b*	Ditto	Ditto	- - - -	Richard Shinner.

No. on Plan.	Description of Land intended to be taken.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Occupiers.
19c	Surface of Sewer and Sewer.	Robert S. S. Cary, Sir L. Palk, and Tormoham Local Board of Health.	James Shinner	Samuel Setter Border, Mrs. Ann Rippon, Mr. John Podesta, Mr. James Shinner.
20	Road or Public Highway (George Street).	Tormoham Local Board of Health.	—	—
21	House	Robert S. S. Cary	Elizabeth Field	Frederick Pearce, James Walling, and John Beale.
22	House	Ditto	Grace Adams, William Whiteway, Edward Whiteway, John Whiteway.	Thomas Weeks.
23	House and Court	Ditto	Ditto	William Medway, William Manning, Elizabeth Oake.
24	House and Court	Ditto	William Whiteway	Samuel Stockman, James Lear, James Helmore.
25	House and Court	Ditto	Joseph Barnes	Thomas Pridham, Joseph Nicholls, James Yule, John Sewart.
26	House and Shop	Ditto	William Whiteway	Jno. Thomas Lee, Henry Pudner, John Wotton.
27	House and Court	Ditto	Mary Field	Thomas Wills, Henry Morris Treeby, Henry Havill, Richard Ford, and William Lamb.
28	Stable and Coach-house, with Workshop over.	Ditto	John Knight Carroll	William Crocker.
29	House and Court	Ditto	Agnes Staddon	Emanuel Charles, Henry Hawkin, John Angel.
30	House, Outbuildings, and Court.	Ditto	Thomas Mudge	John Loughlin and Richard Heath.
31	House and Tenements, Cellar, Outbuildings, and Court.	Ditto	Ditto and George Drew.	George Drew, William Nieass.
32	House, Shop, Bakehouse, and Court.	Ditto	Joseph Barnes	Joseph Barnes.
33	Yard and Shed	Ditto	Ditto	Ditto.
34	House and Court	Ditto	Francis Godfrey	Francis Godfrey, John Kingwell.
35	Warehouse and Garden.	Ditto	Ditto	Francis Godfrey.
36	House, Court, and Outbuildings.	Ditto	William Hall	John Archer Hall.
37	Garden	Ditto	Ditto	Ditto.
38	House, Stable, Court, and Outbuildings.	Ditto	William Staddon	William Staddon, jun., William Gilson, John Roberts.
39	Garden	Ditto	Ditto	William Staddon, jun.
40	House and Court	Ditto	John Watson, Jno. Evomy Norman, and Thomas Woodcock.	Susanna Howe.
41	Garden	Ditto	Ditto	Ditto.
42	House	Ditto	John Hayward, Thomas Samuel Weeks.	Mary Rossiter, Thomas Samuel Weeks.
43	Garden	Ditto	Ditto	Ditto.
44	House, Shop, Candle Factory, Yard, and Outbuildings.	Ditto	Ditto, and Edmund Bond.	Edmund Bond.

No. on Plan.	Description of Land intended to be taken.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Occupiers.
45	Garden and Pump	Robert S. S. Cary	John Hayward, Thomas Samuel Weeks, and Edmund Bond.	Edmund Bond.
46	House	Ditto	Robert Prowse	John Lawrence.
47	Garden	Ditto	Ditto	Ditto.
48	House, "Blue Bell Inn."	Ditto	John Harvey	William Browning.
49	Garden and Yard	Ditto	Ditto	Ditto.
50	Road or Footway	Tormoham Local Board of Health.	——	——
51	House and Tenement	Robert S. S. Cary	John Shapley and Richard Shinner.	Richard Shinner.
52	Garden, Yard, and Shed.	Ditto	Ditto	Ditto.
53	House, Yard, and Outbuildings, "Forester's Arms."	Ditto	Ditto	Thomas Chapman.
54	Garden	Ditto	Ditto	Ditto.
55	House, Store, and Court.	Ditto	Torquay Gas Company.	William Northcott.
56	House and Court	Ditto	Ditto	William Gardner.
57	Garden	Ditto	Ditto	Ditto.
58	House and Court	Ditto	Mrs. Anne Stark	John Webber, Susan Gilpin.
59	House and Court	Ditto	Ditto	James Hayward.
60	Garden	Ditto	Ditto	John Webber and James Hayward.
61	House, Tenement, and Court, "Four-in-Hand."	Ditto	James Shinner	Mark Westaway, Henry Bond.
62	Garden and Shed	Ditto	Ditto	Ditto.
63	House, Shop, Tenement, and Court.	Ditto	Ditto	Mark Westaway and Nicholas Tapson.
64	Garden and Shed	Ditto	Ditto	Mark Westaway.
65	House and Shop	Ditto	William Lander, Isabella Lander.	Mrs. Sarah Tope.
66	Garden	Ditto	Ditto	Ditto, and Mrs. Anne Stark.
66*a*	Void Ground	Ditto	Mrs. Anne Stark	Mrs. Anne Stark.
67	House and Garden	Ditto	James Shinner	Mrs. Anne Stark, Mrs. Willmott Lawson, Joseph Thomas.
68	House and Garden	Ditto	Ditto	Mrs. Anne Stark, Joseph Thomas.
69	House and Garden	Ditto	William Whiteway	Richard Luscombe, Henry Kingcombe, James Hammick.
70	House and Garden	Ditto	Mrs. Mary Bridgman	Henry Clode.
71	House and Garden	Ditto	Ditto and Charles Matcham and Edward Barlow Hussey.	Charles Matcham and Edward Barlow Hussey.
72	House, Garden, Court, and Outbuildings.	Ditto	William Prowse	David Pike.
73	House, Garden, Court, and Outbuildings.	Ditto	Ditto	Nicholas Gerry.
74	Shop and Workshop	Ditto	Ditto	Ditto.
75	Shop	Ditto	Ditto	David Pike.
76	Yard, Brewhouse, Malthouse, Shed, and Buildings.	Ditto	Ditto	William Prowse.
77	Toll House	Trustees of the Dartmouth, Brixham, and Torquay Turnpike Roads.	- - -	In hand.

No. on Plan.	Description of Land intended to be taken.	Names of Owners or reputed Owners.	Name of Lessees or reputed Lessees.	Occupiers.
78	House and Shop	Robert S. S. Cary and William Prowse.	William Prowse	John Mogridge, Maria Mogridge, Fanny Mogridge, Elizabeth Mogridge.
79	House, Shop, and Offices.	Ditto	Ditto	William Glynn and Joseph Whiteway Parsons.
80	House and Shop	Ditto	Ditto	William Coniam.
81	House, Shop, and Passage.	Robert S. S. Cary	Ditto	James Dart and Mrs. Maria Steer.
82	House and Passage	Ditto	Ditto	William Hall.
83	House and Passage	Ditto	Ditto	Sarah Head.
84	Yard and Sawpit	Ditto	Ditto	William Prowse.
85	House, Shop, Yard, Workshop, and Outbuildings.	Sir Lawrence Palk, Baronet.	John Sharland	George Sharland, Thomas Sharland.
86	House	Ditto	Ditto	Henry Powlson, Thomas Memery.
87	House, Bar, Stable, Skittle Alley, and Outbuildings, "Devon Arms."	Robert S. S. Cary	Philip Nickels, John Evomy Norman, and Thos. Woodcock and Alfred Saunders.	Alfred Saunders.
88	Occupation Road	Ditto	Philip Nickels and Edward Selley.	Alfred Saunders and William David Marler.
89	House and Shop	Ditto	Edward Selley	Wm. David Marler.
90	House and Shop	Ditto	Ditto	Mrs. Mary Ann Whitworth.
91	House and Garden	Ditto	Harriett Luscombe	Harriett Luscombe.
92	House and Garden	Ditto	Ditto	James Wills.
93	Waste Ground	Ditto	Henry Adams	Henry Adams.
94	Public Steps and Footpath.	Tormoham Local Board of Health.	—	—
95	Waste Ground	Robert S. S. Cary	In hand.	—
96	Washhouses, Closets, Yards, Ashpit, Larder, Scullery, and Buildings.	Ditto.	Mary Rossiter, John Hayward, Thomas Samuel Weeks, and Henry Burton.	John Hayward, Albert Davey, George Allery, Richard Williams, Jane O'Neil, and Thomas Lear.

Local Government Supplemental (No. 2.)

A

BILL

To confirm certain Provisional Orders under "The Local Government Act, "1858," relating to the Districts of Kingston-upon-Hull, Stockport, Penzance, Shanklin, Stroud, Portsmouth, Tunbridge Wells, Woolwich, and Tormoham.

(Prepared and brought in by
Mr. Baring and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
13 *June* 1864.

[Bill 147.]

Under 4 *oz.*

643

A

B I L L

TO

Continue the Deputy Commissioners in Lunacy in Scotland, and to make further Provision for the Salaries of the Deputy Commissioners, Secretary, and Clerk of the General Board of Lunacy in Scotland.

WHEREAS by the Act Twentieth and Twenty-first Victoria, Chapter Seventy-one, Provision was made for the Appointment of Deputy Commissioners under the said Act for Four Year after the passing thereof, and by the Act Twenty-fifth and Twenty-sixth Victoria, Chapter Fifty-four, the Provisions of the first-recited Act were continued until the First Day of August One thousand eight hundred and sixty-four: And whereas it is expedient that the said Provisions should be further continued, and that the said Acts should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.
20 & 21 Vict. c. 71.
25 & 26 Vict. c. 54.

1. The Provisions of the first-recited Act in regard to the Appointment of Deputy Commissioners shall be and are hereby continued until Parliament shall otherwise determine.

Continuance of Deputy Commissioners.

2. The

Treasury to regulate Salaries of Secretary, Clerk, and Deputy Commissioners.

2. The Provisions of Sections Thirteen, Sixteen, and Twenty-one of the first-recited Act with respect to the Amount of Salary payable to the Secretary, Clerk, and Deputy Commissioners appointed or to be appointed under the same are hereby repealed, and the said Secretary, Clerk, and Deputy Commissioners shall receive Salaries of such Amount as shall from Time to Time be regulated and approved by the Commissioners of Her Majesty's Treasury; but such Salaries shall not exceed the Sums herein-after specified, that is to say, *Six hundred* Pounds per Annum for the said Secretary, *Three hundred* Pounds per Annum for the said Clerk, and *Six hundred* Pounds per Annum for each of the said Deputy Commissioners.

Lunacy (Scotland).

A

BILL

To continue the Deputy Commissioners in Lunacy in Scotland, and to make further Provision for the Salaries of the Deputy Commissioners, Secretary, and Clerk of the General Board of Lunacy in Scotland.

(*Prepared and brought in by*
The Lord Advocate, Sir George Grey, and
Sir William Dunbar.)

Ordered, by The House of Commons, *to be Printed,*
13 *June* 1864.

[Bill 146.]

Under 1 *oz.*